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ABSTRACT

This student reader accompanies a teacher's guide of the same name. The essays in this book provide firsthand perspectives on how the federal government works. Essays by President Bill Clinton, Speaker of the House Newt Gingrich, justices of the Supreme Court, journalists, lobbyists, and others who take an active role in this nation's democracy are included. Case studies accompany each section and examine particular topics in depth. The sections of the book include: (1) "The Constitution"; (2) "The Congress"; (3) "The Presidency"; (4) "The Bureaucracy"; (5) "The Judiciary"; (6) "The Media"; (7) "Interest Groups"; and (8) "The People." The teacher's guide contains the following for each unit: objectives; key terms; suggestions for motivating students; student activities; and enrichment activities. Student handouts are included. (EH)

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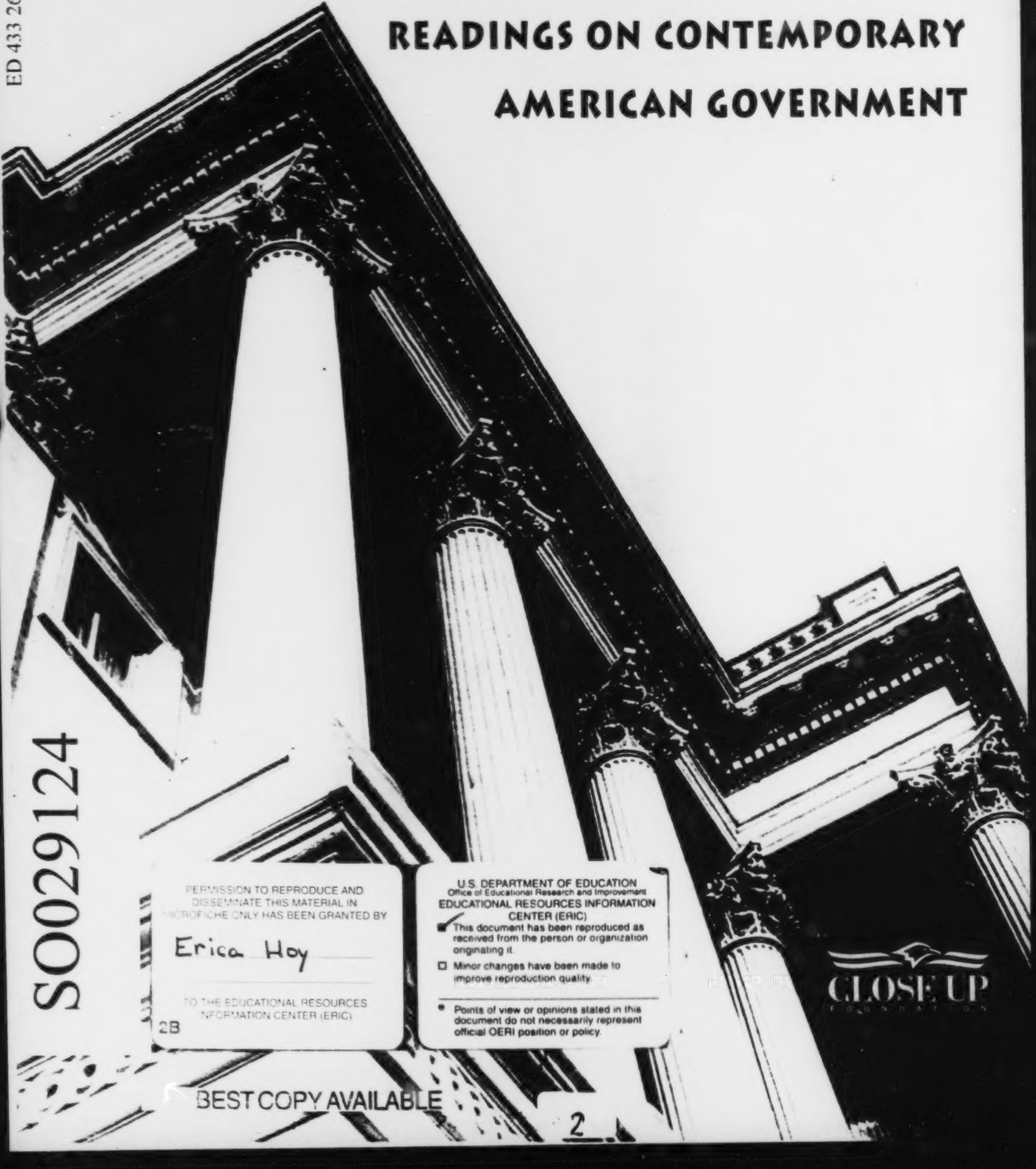
PERSPECTIVES

READINGS ON CONTEMPORARY AMERICAN GOVERNMENT



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Close Up Foundation

The Close Up Foundation is a nonprofit, nonpartisan organization that teaches responsible participation in the democratic process through civic education programs and publications in government and citizenship. Since it was founded in 1970, Close Up has developed new and better ways for young people, educators, and a widening circle of citizens of all ages to gain a practical understanding of how government influences their lives and how individual and collective efforts influence government.

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FOREWORD

Used in a personal sense, the word "perspective" refers to an individual's point of view: what that person sees depends on where he or she stands. Any number of factors can influence where a person stands. At the Close Up Foundation, we believe that a citizen's perspective on government should be, whenever possible, experience-based, up close, and personal.

To that end, we've asked a variety of Americans to provide their firsthand "perspectives" on how our government works. Included in *Perspectives: Readings on Contemporary American Government* are contributions by President Bill Clinton, Speaker of the House Newt Gingrich, justices of the Supreme Court, journalists, lobbyists, and others who take an active role in our democracy. Also included are case studies that examine particular topics in depth.

The opinions expressed by the authors of the articles are entirely their own and do not represent the views of the Close Up Foundation. We have made every effort to create an overall balance of opinions—liberal, moderate, and conservative—but, due to space limitations, not every issue, if controversial, has a counter point of view. The teacher's guide accompanying this book contains ideas about how to use these articles in the classroom in a balanced way.

In art, perspective also refers to the ability to draw three-dimensional objects on a two-dimensional surface, giving them a sense of depth. It is often done through lines that appear to converge, such as the lines in the building on the cover of this book. Many different lines all converging toward the same point make a flat surface less static, more alive.

So it is with American government; different perspectives on a two-dimensional document, the Constitution, make it a living, everyday reality for all Americans. Each of us has a unique perspective on the political system—a special, often singular, gift to give. When we bring these perspectives together and focus them toward the same goal, a whole is created that is greater than the sum of all of the parts. *E pluribus unum:* from many, one.

We hope you enjoy *Perspectives.* It represents one of the most fundamental parts of American life—the precious and free-flowing diversity of thought.

Stephen A. Janger
President, Close Up Foundation

CHAPTER 1

THE CONSTITUTION

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The Constitution is the most important document in American government. It sets forth the basic principles of government and protects fundamental civil liberties. The articles in this chapter explore the nature of the Constitution and its component parts.

Many Americans believe that the Constitution is a "living" document—one whose meaning should not be limited to the intentions of the framers in 1787. Senator Orrin Hatch of Utah, however, disagrees. In his article, Senator Hatch argues that the Constitution should not evolve according to the biases of unelected judges, but that its meaning lies in the actual words chosen by the framers.

One of the Constitution's most fundamental principles is federalism, the sharing of powers between the national government and the states. Governor Christine Todd Whitman of New Jersey maintains that "the power closest to the people governs best." However, Representative Bill Richardson of New Mexico argues that, while states can and should have more power, the federal government still plays a critical role in addressing national problems.

Another constitutional principle is separation of powers. But Lloyd Cutler, former counsel to Presidents Jimmy Carter and Bill Clinton, declares that separation of powers is really a misnomer. Rather, says Cutler, the Constitution creates a system in which separate branches of government exercise shared powers. Because of these overlapping powers, deadlock can result unless Congress and the president work together. The best way to ensure this cooperation, according to Cutler, is to have unified government, in which the president and Congress are of the same political party.

The Bill of Rights is the part of the Constitution many Americans hold most dear, because it protects their civil liberties. However, Arthur Spitzer of the American

Divider Photo Credit—U.S. Capitol Historical Society

Civil Liberties Union points out that the Bill of Rights is in conflict with the main body of the Constitution, which sets forth a democratic government characterized by majority rule. But, says Spitzer, "the purpose of the Bill of Rights is to put some matters outside the majority's rule: to say that there are some decisions the majority cannot be allowed to make."

What does the Constitution mean to "We the People"? Patricia Ireland of the National Organization for Women reflects on how women in the United States have fought for justice in America's courts without a constitutional guarantee of equality. She argues that without such an amendment, women will remain at an unfair disadvantage in society. Ralph Reed of the Christian Coalition examines how, in his view, many in government and the media have become hostile toward the participation of religious Americans in the political process. What was once perhaps a legitimate concern for the separation of church and state, argues Reed, now often violates the "free exercise" clause of the First Amendment.

Senator Daniel Inouye of Hawaii relates his experience as a Japanese American who lived through Pearl Harbor and fought in World War II for his country, while his country's government interned other Japanese Americans solely for racial reasons. To Anthony Griffin, an African-American attorney who represented the Ku Klux Klan, the First Amendment should be absolute, even if it means protecting speech and organizations we hate. Louis Freeh, director of the Federal Bureau of Investigation, addresses a question on the minds of many Americans today: Does more aggressive law enforcement require Americans to surrender some of their most cherished civil liberties?

This chapter's case study describes how the Equal Rights Amendment fell just short of ratification. The story shows not only how ordinary citizens can unite to effect change, but how equally determined citizens can unite in opposition to that change, making it very difficult to amend the Constitution. As many scholars point out, that is what the framers intended when they outlined the amendment process in Article V.

These varying perspectives on the Constitution point out that the nation's most fundamental law can also be the source of America's most fundamental disagreements. How "We the People" can live together despite deep differences is the real test of the constitutional system.

Close Up Foundation/Renée Bouchard

Office of Senator Hatch

Senator Orrin G. Hatch

(R-Utah) has served in the U.S. Senate since 1977. He is a member of the Senate Judiciary Committee, which deals with constitutional issues and Supreme Court nominations.

THE WORDS WE LIVE BY

Since 1977, I have served in the U.S. Senate and have regularly—almost continuously—been confronted with questions concerning the meaning and importance of the Constitution. Even if I had not already enjoyed political philosophy, one cannot serve very long in the Senate, particularly on the Judiciary Committee, without reflecting at some length on the meaning of the Constitution.

Before coming to the Senate, I was, as all practicing attorneys are, involved in more practical, but still important, reflections on the Constitution: What rights does it give my client? What procedures does it require? When does it come into play? And when may it be irrelevant?

In both contexts, one truth becomes increasingly clear: The Constitution is the single greatest birthright that we as American citizens enjoy. And, while I do have strong views on what the Constitution means, whatever it may mean to me personally is of far less importance than what it means to all Americans, present and future, as well as to freedom-loving individuals throughout the world.

As Daniel Webster wrote over a century ago: "We may be tossed upon an ocean where we can see no land—nor, perhaps, the sun or stars. But there is a chart and a compass for us to study, to consult, and to obey. The chart is the Constitution." Still, the majority of Americans tend to take our Constitution for granted. That worries me.

We enjoy more personal freedoms than any other people on the face of the earth at this moment or, for that matter, in the history of civilization. However, not enough citizens have ever stopped to read the document that guarantees them these personal freedoms. And to think that the entire Constitution contains only 2,800 words. The Bill of Rights is only 436 words.

It is important to read the Constitution so that the words chosen by the framers and ratified by the states are given their full value. These words are what the Constitution means, and they are far more important than what dozens of commentators or generations of judges may say *about* the Constitution.

I do not mean that the Constitution is carved in stone or that its details should never be modified as changing circumstances warrant. I, simply believe that the principles that underlie the Constitution do not change: that freedom, liberty, justice, and equal rights are guarantees that America can never go back on. And I also recognize what many would prefer to ignore: that the Constitution provides its own mechanism for alteration, the amendment process set out in Article V.

Some today are apparently not satisfied with that arduous process, which requires ratification by three-fourths of the states. These critics of the process contend that the Constitution is a "living document" that unelected judges can change to accommodate evolving circumstances.

Our Constitution does live, but not in that sense. Our Constitution is durable not because it evolves, but because it contains enduring principles and creates institutions in accord with the realities of human nature. These institutions, particularly Congress, can meet changing circumstances by adjusting our laws, but the foundation—the Constitution—does not waiver.

To say that the Constitution must change with the times is to strip it of all that makes it a constitution. It then would become like any other federal law, subject to whatever tinkering seems justified at the moment.

If the Constitution is to be changed, Article V provides the method. This method has ensured that the Constitution's principles have remained above passing trends. The document has endured 200 years largely because we have not presumed to load it with the results of the latest public opinions polls. Over 5,000 amendments have been proposed in Congress, but only twenty-seven have become part of the Constitution.

Numerous constitutional debates now claim attention in Washington: whether our three-branch separation of powers allows for the independent agencies that many scholars call a "fourth branch"; whether the so-called independent counsel law violates separation of powers; whether the president may exercise a line-item veto over an act of Congress; or whether Congress is the final arbiter of what constitutes a "bill" under the Constitution.

The important point is not the conclusion of these discussions but the discourse itself. Lively constitutional debate has many positive side effects. It stimulates interest in reexamining our founding principles. In the long run, the vision of the framers is only as strong as the people who carry the torch today. These debates give us a chance to reevaluate and reinforce our commitment to the Constitution.

Debate and controversy have always been associated with the Constitution. We sometimes forget that many people were wary of the Constitution before it was ratified. They didn't look to the new Constitution to give them rights they did not already have—they were most worried that the rights they already possessed, guaranteed by state constitutions and common law, might be abridged by a monolithic new federal government.

Just as a debate gave birth to the Constitution, a great debate today can reinforce our freedoms. Also, a renewed affirmation by America of the truth and validity of our governing principles says something important to the rest of the world. Other countries receive assurance that government can exist to make life more free and more secure for individual citizens.

America's role as a symbol of hope to the rest of the world has never been clearer than it is now. As repressive governments tumble one by one, citizens of those countries are coming to look increasingly to Western-style democracy as their hope for the future.

Such was the case in China, where thousands of students gave their lives in 1989 to protest a lack of the same freedoms that we have enjoyed for so long. The replica of the Statue of Liberty that those students rallied behind in Tiananmen Square may be gone, but as long as the original Statue of Liberty continues to welcome the oppressed to America, hope endures.

THE DEVOLUTION REVOLUTION: TWO VIEWS

Office of Governor Whitman

Christine Todd Whitman
(R) is the governor of New Jersey.

MORE POWER TO THE STATES

In recent years, as citizens and political leaders across the country have debated the proper role of government, the Tenth Amendment to the United States Constitution has gained greater attention. That amendment, the final article of the Bill of Rights—first ratified by the state of New Jersey—declares: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Our founding fathers had it right. The power closest to the people governs best. The states are eager to accept more responsibility from the federal government because we can respond better and more quickly to people's needs and concerns. We can adapt to real-life situations without being micromanaged from

Office of Representative Richardson

Representative Bill Richardson
(D-N.Mex.) is the chief deputy minority whip in the U.S. House of Representatives.

THE FEDERAL GOVERNMENT STILL HAS AN IMPORTANT ROLE

Over the past fifteen years in this country, there has been a sense that it is time for the federal government to relinquish as much of its powers as possible to the state governments. Since the mid-term congressional elections in 1994, when a conservative Republican majority took over both houses of Congress, the stated goal has been to dismantle the federal bureaucracy, with the stated objective of returning power to the states.

I must point out that although this objective was stated, the reality is quite different. Many of those same legislators who promised to return power to the states are quite eager to pass federal legislation to regulate matters which they hold dear to their hearts. Many members of Congress claim to be fierce proponents of less federal interference in state matters, yet they are quite satisfied to intervene on the state level when they find it to be politically beneficial. Thus, any blanket statement about moving power away from Washington should be examined carefully to see if the proponent follows his or her own principles.

I am hesitant to take sides in any debate that forces me to choose either state or federal dominance. I strongly resist the kind of "either-or" thinking that can trap one into an

WHITMAN CONTINUED . . .

Washington. We can do this because we are closer to the people and their problems, and we take our responsibility to them very seriously.

Some advocates of centralizing power in Washington have claimed that governors and legislatures would walk away from the people they are sworn to serve if given the chance. Nothing could be further from the truth. They are our families, our friends, and our neighbors. We have not and will not abandon them.

As a matter of fact, many states historically have gone beyond federal standards in providing basic services to our neediest citizens. For example, although the federal government does not require states to cover prescription drugs under the Medicaid program, every single state voluntarily provides prescription drug coverage to its Medicaid population.

BIG GOVERNMENT IS COUNTERPRODUCTIVE

Some critics predict that shifting power from the federal government to state governments will crush our most vulnerable citizens. They argue that the current system only needs minor adjustments. But consider what the federal government has wrought:

- A Medicaid program that wastes billions of dollars we could use to provide better health care at less cost
- A welfare system that has wasted billions of dollars and kept millions of Americans trapped in poverty
- A regulatory process that stifles competition, smothers innovation, discourages job creation, and denies choice to consumers
- Seemingly endless unfunded federal mandates—laws and regulations that impose requirements on state and local governments—that strap our ability to address other vital needs
- A federal bureaucracy that takes more tax dollars than it needs when those dollars could be working to create more private-sector jobs

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RICHARDSON CONTINUED . . .

ideological position that is ineffective. My own position is that, as legislators, we must be practical and determine what makes programs work best. We should be flexible, as well, constantly reviewing programs to see if they continue to work as we had hoped, so that we can be certain that we are getting the best value for our taxpayers' dollars. Certainly, there are some things which should be done locally or by the states which are the closest to the problems.

Nevertheless, the federal government has, for years, done many things that would not or could not have been carried out as effectively by the states. They include the following.

The Food and Drug Administration. The FDA sets national safety standards for the foods we eat and the medicines we use. I cannot think of any more crucial task for the federal government than to safeguard our health. Although it is true that there could be fifty different FDAs in each of the fifty states, is it not more economical for the taxpayer to have the standards set just once?

The Centers for Disease Control and Prevention. The CDC, which was established in 1946, is a public health agency that is internationally known and respected for its expertise and accomplishments. When I was a boy, polio was a frightening reality. Photographs of children in iron lungs or in wheelchairs were there to remind us how vulnerable we were. Smallpox has been a scourge for centuries, killing or scarring during periodic epidemics. The CDC was critical in the eradication of smallpox and polio.

The CDC addresses health emergencies such as Legionnaires' disease, which killed several people at a Philadelphia hotel twenty years ago, and outbreaks of food poisoning. The last fifteen years have seen a rise in new and deadly strains of viruses and epidemics, including AIDS, the hantavirus in the Southwest, and the Ebola virus. The CDC continues to be an integral part in fighting new diseases. Could you envision any state with the capability or expertise to carry out the same functions?

Securities and Exchange Commission. The SEC regulates

WHITMAN CONTINUED . . .

In short, big government has grown counterproductive. And simply trying to reduce the size of the federal government still leaves in place a failed system.

MAKING RESPONSIBLE CHOICES

Establishing priorities must be the direction of all in government. And a top priority must be to reshape government by shrinking the rate of growth in federal spending while providing necessary services. That obligation undergirds efforts to curb federal spending growth and move responsibility for public services out of the hands of the federal government and into the hands of the states.

Granted, this process—known as "devolution"—will force states to make some careful choices in administering these programs. But governors and legislatures *can* and *should* be trusted to make responsible choices for their citizens.

Case in point: New Jersey. First, the New Jersey legislature and I have been on the same page when it comes to fiscal responsibility. In two of the three budgets passed since the start of my administration in 1994, we have actually spent *less* than the year before.

It hasn't been easy. From the moment we took office, we have had to make tough choices just to bring runaway spending factors under control and keep the state's budgets balanced. Just like nearly every other state, New Jersey does not have the luxury of taking several years to balance its budget. And unlike the U.S. Congress, we do not plan spending cuts six or seven years down the line—spending cuts that usually do not materialize.

In New Jersey, we have reduced funding for a number of individual programs and eliminated funding altogether for several others. We have saved money by eliminating or consolidating four state departments and by privatizing prison medical services, motor vehicle agencies, and state day-care centers. Privatization is a logical extension of the spirit of devolution.

RICHARDSON CONTINUED . . .

trading on the stock market, a task that could not begin to be carried out by the states. Stocks and bonds are traded nationally and internationally, so how could fifty different states regulate such trading?

Environmental Protection. In this age of high technology, we have learned that technology has a high price, not just in dollars, but in terms of the effect on the environment of producing, consuming, and disposing of the products and services of technology. Because 96 percent of our states are attached to one another, it is critical that there be national standards and regulations to protect the environment. If this function of protecting the environment were done only on a state level, some states might be less vigilant in enforcement than others, with the negative effect flowing over their boundaries to their helpless neighbors. Polluters could simply cross state lines to dump toxic waste or move businesses to states that are less concerned about polluted air. Polluted air and water travel, however, so any state that had little or no regulation would create a problem even for residents of another state that had tougher standards.

The Interstate Highway System. The interstates are the means by which we transport our goods, our services, and ourselves. We cannot even conceive what our lives would be like without them. These roads connect us to our jobs, our families, our vacations, and each other. In the 1950s, an automobile trip between New York and Washington, D.C., was an over-nighter. Today, the same trip can be done in an afternoon.

The National Parks. The national parks are our birthright as Americans. They strike the balance between preserving our precious natural heritage and our enjoyment of that heritage.

This is just a random list of important functions of the federal government that the states could not begin to carry out. There are many, many more.

I do not believe, however, that there cannot be some programs of the

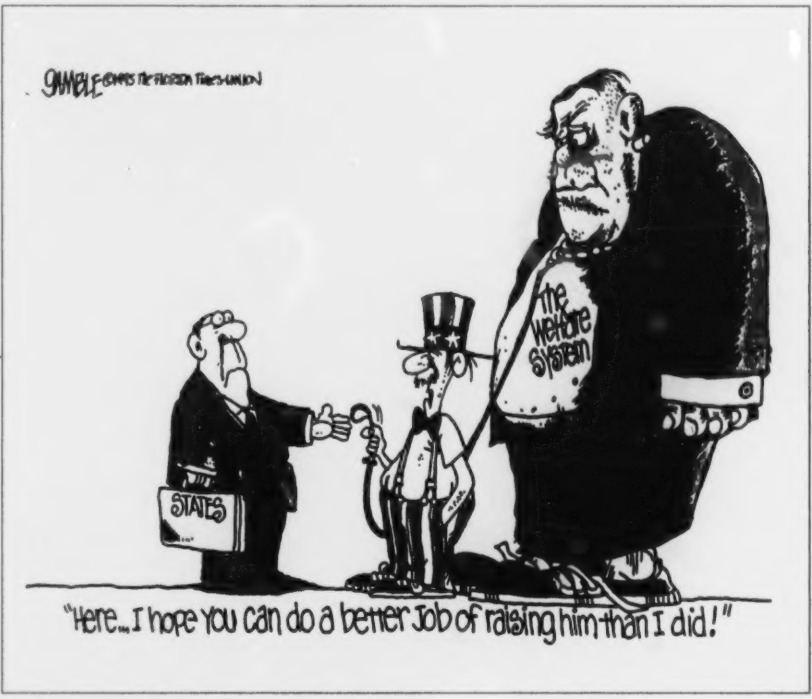
WHITMAN CONTINUED . . .

It is never easy to implement spending cuts or change the way government delivers services. Behind every government program is a constituency that can argue passionately on its behalf. However, elected officials have to consider the public interest and make sound public policy decisions.

As a result, state government in New Jersey is offering a higher quality of service while saving the taxpayers hundreds of millions of their dollars. We cut income and business taxes ten times in my first thirty months in office because we rightly believed these tax cuts would benefit job growth in our state. These tax cuts have also imposed the discipline needed to make state government smarter as well as leaner.

That discipline influenced New Jersey's new plan for reforming welfare, the system that may benefit the most from the devolution of power to the states. While states have the freedom to experiment and design programs that are just right for their own citizens, they did not have the freedom to implement welfare reform on their own until Congress passed and President Bill Clinton signed federal welfare reform in 1996.

The new federal law dovetails well with New Jersey's welfare reform proposals, called "Work First New Jersey." Under the plan, we replace a system that stresses endless job training with one that creates a pathway to work.


GAMBLE ©1995 THE FLORIDA TIMES-UNION
STATES
the welfare system
"Here...I hope you can do a better job of raising him than I did!"

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RICHARDSON CONTINUED . . .

federal government that might not be more efficiently administered by certain states. In 1995, I offered the "States' Rights Amendment" to the Reform of Superfund Act. This amendment would provide that legally applicable more stringent state environmental cleanup standards would apply to Superfund cleanups in that state. Another bill, the proposed Safe Drinking Water Act, creates a state revolving loan fund for drinking water systems with some discretion given to the states as to how the funds are used. Speed limits for driving should be left to the states, as driving conditions vary from state to state. In my state of New Mexico, for example, the distances are great between communities, and a higher speed limit may be more suitable than for a densely populated eastern state.

Before turning any programs over to the states, however, there should be assurances that each state would do as well or better with the program than if the federal government continued with it. Our citizens deserve no less.

I think that all federal and state programs can benefit from renewed study as to efficiency, economy, and effectiveness. It is unfortunate that the federal/state dichotomy has become so politicized. Why should politics have to be considered in making a determination as to how well programs run? The only standard for whether the states or federal government should provide a function is one of effectiveness. If it works, leave it alone. If it does not

WHITMAN CONTINUED . . .

Although Work First New Jersey has not yet completed the legislative process, I have every confidence that our plan—by taking the best of other reform programs and tailoring them to the needs of New Jerseyans—will prove that devolution can yield better services, more responsive government, and a lower national deficit.

Government at every level has a role to play in people's lives. It should provide a safe and secure environment for families. It should protect those in need. It should ensure equal rights and opportunity for every American.

But government should be a partnership where private interest and civic duty meet. That partnership must be built on confidence and trust—the citizens' confidence in government to provide needed services in an efficient manner, and government's trust in the people to run their lives without pointless bureaucratic interference. The "devolution revolution" can help us restore trust by placing public services and programs at the state and local level and by enabling the people closest to a challenge to meet that challenge.

RICHARDSON CONTINUED . . .

work, then rework, revamp, and, if necessary, remove the function. This may mean shifting it from the federal government to the states because state governments are in closer touch with the needs of the people for whom the function serves a purpose; or it may mean shifting it from the states to the federal government because of economies of scale, doing something once rather than fifty times, or because only the federal government has the enforcement capability or can set adequate minimum standards. This should have nothing to do with whether one is a liberal or conservative, Democrat or Republican. The only concern should be whether it meets the standard of good and responsible government.

Dunn Photographic Associates

Lloyd N. Cutler

served as counsel to Presidents Jimmy Carter and Bill Clinton. He is a partner in Wilmer, Cutler, & Pickering. He also serves as cochair of the Committee on the Constitutional System, a nonprofit organization that examines problems in the relationship between the president and Congress.

SEPARATE BRANCHES, SHARED POWERS

The American Constitution usually is described as a system based on Montesquieu's principle of the separation of powers. In reality, it is a system based on the principle of separate branches exercising shared powers.

The framers decided to blur the strict separation of powers to advance the equally important and nearly irreconcilable principle of checks and balances. They decided the best way to maintain checks and balances among the branches was to allow at least one other branch to share in each power principally assigned to a different branch.

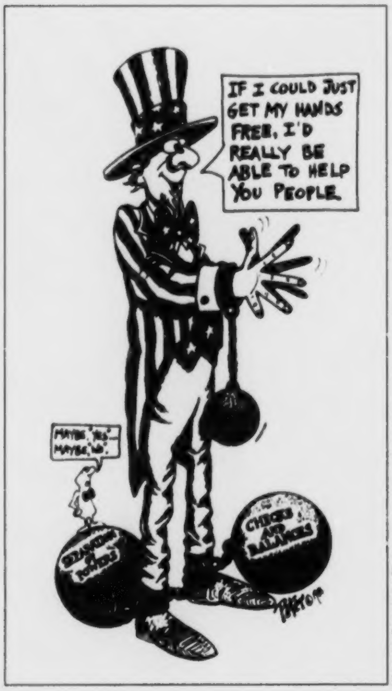
As is true of all shared powers, the sharers of power must figure out a way to cooperate with one another, or the result is deadlock. We sometimes tend to congratulate ourselves on the supposed virtues of inefficiency and stalemate in democratic government, but the Constitutional Convention was convened because of the utter despair of its members over governance under the Articles of Confederation. Although the framers carefully protected against the risk of tyranny, they also tried to design a system that would be more efficient than the one that it was intended to replace.

The resulting system of separate branches exercising shared powers has worked well to prevent another tyranny, and continues to do so. For the first 160 years of the republic—until about 1950—it also permitted the national government to function powerfully and decisively when a need for bold action arose at home or abroad. For the last four decades, however, the national government has been characterized by an abnormally high degree of deadlock on major issues of domestic and foreign policy. I believe the explanation lies in the changing role of our national political parties.

The original Constitution makes no mention of political parties. When Madison and the other framers confronted the practical problem of making their brave new system work, they proceeded to organize two broadly based national political parties. The elected president and the elected legislators of the same party had a greater natural affinity for cooperation with one another than with the legislators of the other party, and this affinity tended to offset the institutional wariness between the executive branch and Congress in exercising their shared powers.

Although this two-party system continues, its success in fostering cooperation between the branches has declined remarkably. In thirty-five out of the thirty-eight presidential elections held from John Adams's victory in 1796 through Harry Truman's in 1948, the party winning control of the White House also won a majority in both the House and the Senate. In the twentieth century, until 1956, the party winning the White House always won control of the House and the Senate. But 1956 signaled the beginning of a polar shift: The party winning the White House has failed to win a majority of one or both Houses in six out of the last nine presidential-year elections. Since 1968, the statistic is five out of six.

The modern phenomenon of divided government is the main reason we now have deadlocked government most of the time. The close correlation between the two is illustrated by persistent high budget deficits. High budget deficits, of course, are not an intended goal of national policy. Presidents and congressional leaders of both parties oppose high deficits, and most polls show that the public shares this view by a large margin. High deficits occur when the president and Congress cannot form a consensus on a mix of taxes and competing expenditure programs that will create a reasonable balance between inflows and outflows. High deficits are the consequence of deadlock between the executive and legislative branches in the exercise of their shared power to legislate.


IF I COULD JUST GET MY HANDS FREE, I'D REALLY BE ABLE TO HELP YOU PEOPLE.
MAYBE 'YES' MAYBE 'NO'.
SEPARATION OF POWERS
CHECKS AND BALANCES

Close Up Foundation/Peter

One political sea change that helps to explain the remarkable rise of divided government is the steady decline since World War II in voter loyalty to a single party. This decline in party loyalty has transferred political power from party leaders to individual candidates for the House and Senate, particularly incumbents. The views of party leaders are far less important to these candidates than the views of the individuals and interest groups who provide the candidates with the money needed to win election or reelection. Incumbents raise much more money, and raise it earlier, a factor that discourages many would-be challengers from even making the race. In 1986, an astounding 98 percent of all House incumbents of both parties who ran for reelection were reelected. Equally astounding, over the past thirty years, about 90 percent of all House and Senate incumbents of both parties who ran for reelection were reelected, even at times when their own party lost control of the presidency.

As these statistics show, even when the congressional minority party wins control of the White House, it faces long odds in its efforts to win back a majority of the House and Senate. This result is in sharp contrast to what happens in parliamentary governments in which the chief executive is not elected by a separate ballot.

One may fairly ask what is so bad about the rising phenomenon of divided government. Many thoughtful people fully recognize the cost of deadlock but see a heavier cost in a return to party loyalty and unified government. They regard the hodgepodge of inconsistent national decisions and nondecisions under divided government as the best available consensus that can be achieved among the diverse interest groups that make up so huge and varied a nation. They see the consensus as conceding enough to each group to avoid a degree of divisiveness that would impair the national unity. They fear that unified government would give an administration too much power to work its will. They also note that, in 1974, divided government helped to expose the excesses of an arbitrary and corrupt president and force his resignation. They read the results of the 1984 election, with its wide degree of ticket splitting, as showing that many who voted for President Reagan wanted the insurance policy of a Democratic majority in the House. They would interpret the reelection of the president and 95 percent of the congressional incumbents of both parties in 1984 as a public endorsement of the concept of divided government.

But, on balance, the negative values of divided government clearly outweigh the positive ones, while the positive values of unified government clearly outweigh the negative ones, for the following reasons.

- Our national government makes far more major decisions today than ever before. The competing interests involved in each decision are much more complex, but the decisions still must be made.
- Because of our growing interdependence, many of our government's decisions involve reaching and keeping agreements with other nations. These are extraordinarily difficult to make because, in times of divided government, the president is likely to be the only major head of government who cannot commit the government he heads.
- In a divided government, both parties and their elected officials usually condemn the resulting hodgepodge of outcomes, yet manage to avoid being held accountable for them. A unified government usually will be held accountable for its errors and omissions at the next election.
- The constitutional role of the Supreme Court limits the extremes to which unified government can take us. The Court will not permit a unified government to legislate beyond its constitutional powers or impair basic constitutional rights. Primarily because of the separation of the branches, unified government in America has never been efficient enough to achieve extreme and divisive results.

Unified government does not assure creative and effective government, but divided government comes close to assuring stagnant and ineffective government. All of the acknowledged great presidents—the Mount Rushmore quartet of Washington, Jefferson, Lincoln, and Theodore Roosevelt, as well as Woodrow Wilson and Franklin Roosevelt—presided over unified governments. One can hardly think of a single major legislative program in this century that was adopted during a period of divided government.

The available methods of reducing the frequency of divided government include changing our election laws and amending the Constitution. Constitutional amendments may not prove necessary because, despite significant barriers in the Constitution, unified government prevailed most of the time until about 1950.

Three possible changes in our election laws should be considered.

- Electing the president a few weeks before Congress. A two-stage election would maximize the new president's chances to win a majority for his party in the House and Senate.
- Requiring states to allow voters to cast a block vote for all the candidates of one party in federal elections.
- Creating public financing of congressional campaigns, if candidates agree not to use any other funds, so that incumbents would lose their present money-raising advantage.

If these statutes did not work, lowering some barriers raised by the Constitution itself would be necessary. To encourage voters to think of a party's presidential and congressional candidates as a team, a constitutional amendment could provide for changes in House and Senate terms to coincide with presidential elections. Another amendment could allow Congress to regulate campaign spending directly, which the Supreme Court held violates the First Amendment.

These are all rather modest proposals. None would shake the foundations of the republic, nor would they alter the basic political system. But they would significantly improve the chances of restoring unified government as the standard condition of governance under the American system of separate branches exercising shared powers.

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CIVIL LIBERTIES AND THE CONSTITUTION

American Civil Liberties Union/Carolyn Martin

Arthur Spitzer

is the legal director of the Washington, D.C., chapter of the American Civil Liberties Union (ACLU), a nonprofit, nonpartisan organization dedicated to protecting civil liberties and civil rights through litigation, lobbying, and public education.

Can a board of education decide that next year all black students will attend East High School and all white students will attend West High? Can a public school class begin the day with the recital of the Lord's Prayer? Can a teacher search a student's handbag on a whim to look for marijuana? If a student circulates a petition in the lunchroom calling for repeal of the school dress code, can she be ordered to stop?

The answers are no, no, no, and no. The reason is the United States Constitution—specifically the Bill of Rights. Strictly speaking, the Bill of Rights includes only the first ten amendments to the Constitution (added in 1791). In practice, other amendments also fit within the Bill of Rights, including the Fourteenth (1868), which requires the government to treat people equally regardless of their race, sex, or other characteristics, and the Fifteenth, Nineteenth, and Twenty-sixth, which extended the right to vote to black males (1870), to women (1920), and to 18-year-olds (1971).

Public schools cannot be racially segregated because the Fourteenth Amendment to the Constitution prohibits the government from discriminating against people based on race. It also prohibits discrimination based on other characteristics that are irrelevant to a person's qualifications, such as sex, religion, or national origin.

Public schools cannot begin the day with prayer because the First Amendment guarantees each of us freedom of religion—both the freedom to practice our own religion (or to practice no religion) and the right not to have to practice someone else's.

A public school teacher cannot inspect a student's handbag or backpack on a whim because the Fourth Amendment protects each individual's right to privacy and requires the government to have a factual basis to suspect someone of violating the law before the person can be subjected to a search.

A public school student has a right to circulate a petition because the First Amendment prohibits the government from interfering with a person's peaceful expression of his or her views.

Of all the sections of the Constitution, the Bill of Rights has the most direct impact on the everyday lives of all Americans. Most of the Constitution is a blueprint for the structure of the federal government—how officials are elected or appointed and what their duties are—but the Bill of Rights deals with the relationship of the government to its citizens.

In a sense, the Bill of Rights stands in conflict with the main body of the Constitution. The basic philosophy of our government is democracy—a government of the people, by the people, and for the people, in Lincoln's words. Decisions in a democracy are made by majority rule, either directly, as in the election of the president and members of Congress, or indirectly, as when laws are passed by the legislature. But the purpose of the Bill of Rights is to put some matters outside the majority's rule: to say that there are some decisions the majority cannot be allowed to make.

But why shouldn't the majority always rule? The answer comes from the Declaration of Independence—that there are "certain inalienable rights" to which each of us is entitled as an individual. The philosophy of the Constitution is that a person's religion is his or her private business, not the government's; that "a man's home is his castle"; and that the government should treat all its citizens fairly and without prejudice. The Bill of Rights protects those rights for each of us, individually, so that they cannot be taken away by a majority that may hate our particular race or religion or political activity.

People who are in the majority at any given moment often do not understand why they should not be allowed to have their way. The simple answer is that by respecting the rights of others, they are protecting their own rights in the long run, because tomorrow, or next year, or ten years from now, they may be in the endangered minority.

History is replete with examples: When labor unions began organizing in the 1920s and 1930s, when civil rights workers began marching in the South, when people began demonstrating against the war in Vietnam, they were often called communists or traitors and local authorities often attempted to stop their activities. Yet ultimately, their causes prevailed. New religions—from Christianity 2,000 years ago, to the Christian Scientists and Mormons of the nineteenth century, to the Scientologists, Hare Krishnas, and "Moonies" [members of the Unification Church] of today—have almost always been despised and persecuted by the existing majority. Yet many religions that were once new and radical are well established and accepted by society today.

In 1977, when a Nazi organization wanted to hold a march in Skokie, Illinois, the city council tried to prevent them. Many people could not understand why a group that advo-

Library of Congress

The federal government has had to pressure states to uphold the constitutional rights of its citizens. In 1963, Governor George Wallace of Alabama (left) blocked the doorway to the University of Alabama to federal officials in an attempt to stop the racial integration of the university.

cated the extermination of Jews should be allowed to demonstrate in a mostly Jewish town, but the courts upheld their right to conduct a peaceful march. Just imagine what might happen today if the courts had ruled the other way: The city council of a town where most voters disapproved of abortions might ban meetings or other activities by pro-choice groups on the ground that they also advocate mass murder. The lesson of history is that the only way to protect the rights of any of us is to protect the rights of all of us.

In addition to the provisions of the Constitution, many federal and local laws also perform an essential function in extending the protection of civil rights and civil liberties to the private sector. One of the most important facts about the Bill of Rights, and perhaps the least understood, is that it applies only to action *by the government*. That is why the examples at the beginning of this article were all set in the public schools. The framers of the Constitution were worried about governmental tyranny, not private conduct. Thus, for example, it is no violation *of the Constitution* for a private company to engage in race or sex discrimination.

However, we have decided as a society that such private discrimination is unacceptable, and so Congress has passed laws prohibiting it. Other laws in some places protect people against private discrimination based on age or sexual orientation, or against having their privacy invaded by the use of telephone taps or lie detector examinations.

Because there will always be unpopular minorities, the fight to protect civil rights and civil liberties will never be completely won. But with the Bill of Rights to shield us from majority tyranny, the United States is likely to remain one of the freest societies that has ever existed on the face of the Earth.

National Organization for Women

Patricia Ireland
is the president of the National Organization for Women and author of What Women Want.

PERSPECTIVES ON THE CONSTITUTION

WOMEN'S EQUALITY AND THE CONSTITUTION

At a time when women are astronauts and truck drivers, it is hard to believe that the U.S. Constitution does not guarantee women the same rights as men. For most women, equality is a bread-and-butter issue. Women are still paid less on the job and charged more for everything from dry cleaning to insurance. The value of a woman's unpaid work in the home is often not taken into account in determining divorce settlements and pension benefits. When women turn to the courts to right these wrongs, they are at a distinct disadvantage because of what has and has not happened to the Constitution.

"REMEMBER THE LADIES"

In 1776, Abigail Adams urged her husband, John, that he and other framers of the Constitution should "remember the ladies." John Adams, who went on to become our second president, responded, "Depend upon it. We know better than to repeal our masculine systems," and women were left out of the Constitution.

Nearly a hundred years later, Congress adopted amendments to the Constitution to end slavery and provide justice to former slaves. The Fourteenth Amendment, passed in 1868, guaranteed all "persons" the right to "equal protection of the laws." However, the second section of the amendment used the words "male citizens" in describing who would be counted in determining how many representatives each state gets in Congress. This was the first time the Constitution said point-blank that women were excluded. Similarly, in 1870 the Fifteenth Amendment extended voting rights to all men—but not to any women.

It wasn't all doom and gloom for women in the nineteenth century and early twentieth century, though. Two women active in world antislavery efforts, Lucretia Mott and Elizabeth Cady Stanton, were leaders at the first-ever "Women's Rights Convention" in Seneca Falls, New York, in 1848. Their "Declaration of Sentiments" included this play on the Declaration of Independence: "We hold these truths to be self-evident: that all men *and women* are created equal."

These women and others went on to form what became known as the suffrage movement. We now consider

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Editor's Note: This section focuses on how the Constitution applies to specific issues.

the suffragists the "first wave" of the U.S. feminist movement. During their long campaign to win women the right to vote, they used strategies including marches, pickets, arrests, and hunger strikes. They triumphed in 1920 when the states ratified the Nineteenth Amendment to the Constitution, which corrected the longtime injustice the Fifteenth Amendment had put into writing.

Suffragist leader Alice Paul authored the Equal Rights Amendment (ERA) to remedy women's exclusion from the Fourteenth Amendment. Introduced in 1923, the ERA was buried in Congress for nearly fifty years. However, in the late 1960s, the "second wave" of feminist activists took up Alice Paul's cause. After getting the ERA passed by Congress, we held marches, organized boycotts, lobbied, and worked on election campaigns to try to get it passed by the necessary three-fourths of the states. When an arbitrary time limit expired in 1982, the ERA was just three states short of the thirty-eight required for ratification.

The history of Supreme Court rulings on women's rights makes clear why a constitutional guarantee of women's equality is needed. During the first two hundred years of our country's history, the Supreme Court justices never saw a discriminatory law against women they did not like. Illinois wanted to keep women from practicing law? The Court in 1873 cited "the law of the Creator" as good enough reason to protect these delicate creatures—grown women—from being sullied by the corruption of legal and business practices.

Time and again, women were really being protected from making too much money. Oregon wanted to limit the number of hours women could work? The Court in 1908 ruled that women must "rest upon and look to (men) for protection" and also—in a contradictory view of men—that the law was needed "to protect (women) from the greed as well as the passion of man." Michigan wanted to allow women to work as waitresses but keep women out of higher-paid bartender jobs? The Court in 1948 did not see this as a violation of the Constitution's guarantee of "equal protection."

PROGRESS AND SETBACKS

In modern times, Supreme Court rulings on women's rights have zigged and zagged. In a 1961 case, the justices upheld Florida's virtual exclusion of women from juries because "women are the center of home and family life." Ironically, the defendant had bludgeoned her husband to death and wanted women on the jury who might understand how she could be driven to such a deed.

Finally, in 1971, pioneering feminist attorney Ruth Bader Ginsburg made the first breakthrough in the Court's "anything goes" attitude toward sex discrimination. She convinced the court to throw out an Idaho law that automatically gave preference to a man over an equally qualified woman when appointing the person responsible for disposing of the property of someone who has died. Ginsburg went on to become the second woman appointed to serve on the Supreme Court. In 1973, the Court struck down a U.S. Air Force policy that a married man automatically received family housing and medical allowances, while a married *woman* had to prove she was responsible for all of her own expenses plus at least more than half of her family's expenses.

But in 1977, the justices were back to an old-fashioned view, a more narrow reading of women's equality. A bright eighth-grade girl, named Susan, who had won science awards, wanted to attend Philadelphia's all-boys Central High. It was an academically superior public school; even the school board admitted that Girls High had inferior science facilities. But the Supreme Court upheld Central High's exclusion of Susan solely because she was a girl.

More recently, in the only Supreme Court decision dealing with affirmative action for women, the justices in 1987 upheld a county's voluntary plan. A qualified woman became the first ever promoted to one of 238 skilled craft jobs. She was promoted over a man who had a slightly higher score based on interviews with a team of three men. One of them had called the woman a "rabble-rousing skirt" and another had refused to issue her the required coveralls for the job.

A case that was before the Court in its 1996/97 term drove home the inequalities that exist at the dawn of the twenty-first century. A jury had convicted a judge of violating the civil rights of five women by sexually assaulting the women. An appeals court overruled the jury. Even though courts have ruled repeatedly that it is a violation of a person's civil rights to be beaten by a police officer, the appeals court could not see anything in the Constitution that would put this judge on notice that it is just as wrong to rape a woman.

Without a constitutional guarantee of women's equality, even favorable rulings and good laws on women's rights can be ignored, revoked, or overruled. Feminist activists have not given up on a women's equality amendment. We know that to get women into the Constitution, we will have to elect a lot more people who support that idea. We look to the young women and men who are addressing issues of equality and justice in high schools across the country. We are confident that this "third wave" will soon be ready to accept the baton.

Christian Coalition

Ralph Reed, Jr.

is executive director of the Christian Coalition, a nonpartisan voter education organization.

RELIGIOUS FREEDOM AND A CIVIL SOCIETY

People commonly ask me, as I travel and speak throughout the country, what the Constitution has to say about freedom of religion. "If people are allowed to pass laws based on their religious beliefs, where do we draw the line? Won't that violate the separation of church and state?" These are good questions. But they also betray a common misunderstanding about the First Amendment. The Constitution prohibits the government from establishing an official state religion. But equally important, the "free exercise" clause of the First Amendment prevents the government from restricting the citizenry from worshipping God according to the dictates of their conscience or freely expressing religious ideas.

What good is religious liberty if it can only be practiced behind stained-glass windows on Sunday? If one desires to pass a law to prohibit people of faith from engaging in political action based on their beliefs, one would need to take a knife to our history books and cut out the pages of the antislavery crusade, the temperance movement, the woman's movement, the civil rights struggle, and the anti–Vietnam War protests. These social movements flowered in their day because religious people believed that the ideas of right and wrong they found in the Bible should be reflected in the country's laws.

This is the goal of religious conservatives today. However, many in the media, higher education, and government criticize the movement simply because their views often conflict with those of religious conservatives.

"THE GENIUS OF AMERICA"

Only in recent times have religious conservatives, or religious people of any kind, been viewed as trying to transform the United States into something that critics do not want to admit it has always been: a country founded on religious principles by religious people. American society works best when we remember that fact and welcome into the public square those who act in its finest traditions.

Abraham Lincoln issued an order in 1862 requiring the observance of the Sabbath in the Union army, noting that it corresponded "to the best sentiment of the Christian people."

In 1931, Supreme Court Justice George Sutherland ruled that "the laws of the land . . . are not inconsistent with the will of God."

"We are a religious people whose system of government supposes a Supreme Being," concluded Justice William O. Douglas in *Zorach v. Clauson* in 1952. He added that there existed "no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence."

"Our hard challenge and our sublime opportunity is to bear witness to the spirit of Christ in fashioning a truly Christian world," said Martin Luther King, Jr., in 1963.

These observations—many by liberal Democrats—reflected a consensus on civil religion that united Americans for the first two centuries of their history. Religious people believed, and continue to believe, that they had a duty to become involved in the process and have their voice heard on the important issues of the day. Their opinions were not theological sermons but civil statements, some of them carrying the weight of law. They were not arguments for an established church but acknowledgments of distinctly American piety that, until recently, permeated the entire culture, rendering the entanglement of government in religion superfluous and unnecessary.

Close Up Foundation/Renee Bouchard

In 1995, the Supreme Court upheld the right of private organizations to place religious displays on public property. This Easter display was erected by a private group on the steps of the U.S. Capitol.

This is the genius of America: We are a people of faith who stipulate that, in order to protect the free exercise of our religion, government stay out of the business of the church.

REVIVING CIVIL RELIGION

Civil religion would help to soften the often brutal edges of our secular, modern society. It would not contemplate the establishment of an official church, but it would allow the healing influence of religion—all religions—to be freely expressed in the public square.

This was the original intent of our nation's founders when they framed the Constitution. Justice Joseph Story, who sat on the Supreme Court from 1811 until 1845 and taught law at Harvard University, stated unequivocally in his commentary on the Constitution: "The real object of the [First] Amendment was . . . to prevent any national ecclesiastical establishment which should give to a hierarchy the exclusive patronage of the national government." The objective was not, in Story's word, to "prostrate" Christianity by excluding it from the public square, but to prohibit the elevation of one sect or denomination above the others.

Church and state jurisprudence has gradually shifted in recent decades to a point that the framers of the First

Amendment would not recognize it. They saw the state as the threat; today the courts see the church as the threat. The founders viewed an established state religion as the embodiment of tyranny because it allowed the government to rule over citizens in matters of conscience. Today, we react harshly to religion itself, even when the government does not dictate its expression. The Supreme Court's opinion in *Employment Division v. Smith* (1990), the so-called peyote case, underscored our legal culture's hostility towards the free exercise of religion. In that case, the Court dropped the time-honored standard that government demonstrate a compelling reason for passing laws that had the effect (even when unintentional) of discriminating against religion.* The ruling was later overturned by the passage of the Religious Freedom Restoration Act in 1993.

No one is suggesting that we return to the days when the testimony of nonbelievers was excluded from courts of law. But if the pendulum in the past has swayed too far in the direction of religion, can anyone deny that today it has swung back too far in the opposite direction? When prosecutors in a courtroom are reprimanded because they quote from the Bible, when attorneys are told to remove ashes from their forehead on Ash Wednesday, and when a rabbi's simple prayer at a high school graduation ceremony is ruled unconstitutional, our zeal for separation of church and state has curdled into a sour distaste for religious expression. Today it is the religious person whose testimony or political activism may be called into question based solely on a belief in God.

**Editor's Note:* In *Smith*, the Court upheld an Oregon law prohibiting the use of peyote, an hallucinogenic drug used by some Native Americans in religious ceremonies.

Office of Senator Inouye

Senator Daniel K. Inouye
(D-Hawaii) has served in the U.S. Senate since 1963. He fought in World War II as part of a Japanese-American unit.

JAPANESE AMERICANS AND THE CONSTITUTION

The defining moment in my life was an event that changed the lives of thousands of Americans and the course our country would take in the latter half of the twentieth century. It would also try my faith in my country and the foundation on which it stands: the rights as guaranteed for every American under the Constitution. As citizens of this country, we are bound to uphold and defend not just a document, but the spirit behind the letter of our law. The Constitution gives meaning to us as Americans.

I was a 17-year-old high school student when World War II broke out literally in my backyard—in the skies above Pearl Harbor in Honolulu, Hawaii. My need to become totally involved in the war effort sprang from an insidious sense of guilt, the invisible cross lashed to the back of every *nisei* (those of us born in the United States to immigrants of Japanese ancestry) at the instant when the first plane bearing that rising sun appeared in the sky above Honolulu.

Of course, we had nothing to feel guilty about, and all rational people understood this. But every American of Japanese descent I knew carried this special burden and worked doubly hard because of it.

In December 1991, Americans recognized the sacrifice and bravery of our young men in uniform caught in the surprise outbreak of the war in Hawaii. Early 1992 marked the fiftieth anniversary of another wartime event, one that many Americans may not be aware of, but nevertheless exacted much pain and anguish on thousands who never set foot on a battlefield.

In February 1942, President Franklin Roosevelt signed Executive Order 9066, which authorized the internment of Japanese Americans, an unprecedented experience in the history of American civil rights. These Americans were determined by our government to be security risks, without any formal allegations or charges of disloyalty or espionage. They were arbitrarily branded as such solely on the grounds of their racial ancestry. As a result, loyal citizens lost their livelihoods and their homes, living as virtual prisoners in their own country.

Ironically, the same president who signed his name on the order also uttered these words as he authorized the formation of a combat team of loyal American citizens of Japanese descent: "No loyal citizen of the United States should be denied the democratic right to exercise the responsibilities of his citizenship, regardless of his ancestry. Americanism is a matter of the mind and heart; Americanism is not, and never was, a matter of race or ancestry."

Library of Congress

Japanese Americans were forcibly removed from their homes on the West Coast and sent to relocation camps during World War II.

As one who volunteered to fight in this combat team, I proudly exercised my right to defend the Constitution and my country. But across the ocean, in another part of my country, people who shared my Japanese ancestry were denied certain inalienable rights guaranteed by the Constitution.

Their rights were sacrificed under the cloak of national security. Too often, in the name of national security, it has been fashionable to deny Americans their rights. In this case, the Congress supported the president's policy of removal and detention by making the violation of orders issued pursuant to Executive Order 9066 a criminal offense.

Sadly, the United States Supreme Court upheld the removal and detention in the context of war. But as we know, the Supreme Court has not always been correct. There was a time when the justices upheld slavery and that was the law of the land. The Supreme Court in this case upheld internment and that was the law of the land at that moment.

But years later, the presidentially appointed Commission on Wartime Relocation and Internment of Civilians found no documented acts of espionage, sabotage, or fifth column activity by any identifiable American citizen of Japanese ancestry or resident Japanese aliens on the U.S. West Coast. This was supposed to have been the rationale for the mass evacuation and incarceration. In its 1983 report, the commission concluded that the internment was motivated by racial prejudice, war hysteria, and a failure of political leadership.

I am confident that Americans will agree that the internment of their countrymen who happened to be of Japanese ancestry was a tragic chapter in our history and ought not to be repeated. If we fail to learn from this unfortunate experience, then leaders of our government could once again hide behind the cloak of national security and persecute Americans of a particular race, ethnicity, or religion for the actions of people in their ancestral homeland.

Although I lost an arm in combat, I consider myself fortunate because I was able to return home. Thousands of my fellow Japanese Americans who were interned volunteered to join the 442nd Infantry Regimental Combat Team—the most decorated World War II unit in the U.S. Army for its size and length of service. However, after the war, these heroes wondered if there ever would be a home for them again in this country.

The federal government's recent compensation checks and letters of apology for the internment pale against Japanese Americans' huge loss of pride and property and the many years of pain caused by the stigma of being branded disloyal. While the compensation may be a token amount, my hope is that this government action strengthens our Constitution by reaffirming our commitment to upholding the constitutional rights of all our citizens. We can demand no less of a commitment to preserve the very essence of what defines us as Americans.

THE FIRST AMENDMENT IS A CONSISTENT RIGHT

The Freedom Forum

Anthony P. Griffin

is a lawyer in Galveston, Texas. In 1993, while serving as volunteer counsel for the Texas ACLU, Griffin defended the right of the Ku Klux Klan to keep its membership lists private.

One of the most frightening things about the First Amendment is that it encompasses the idea that you are protecting the freedom of speech of those you love and those you hate.

One of the most frightening things about what the First Amendment is designed to do is take a group of people and put them in a room and allow them to stand up on a table and say nasty things about you. One of the most frightening and enduring things about the First Amendment is that oftentimes you create very hostile environments so that we can live and breathe free.

One of the issues that I have had to deal with as a lawyer was when I was asked by the American Civil Liberties Union to represent the interests of the Ku Klux Klan. Why would an African-American lawyer, who was litigating consistently in the area, elect to do so? The Klan is a vile, a vicious, and a terrorist organization. They are an enemy of my community. There is not communality between myself and that organization. The Klan represents everything reprehensible that I have learned and that existed growing up in the South.

But the reputation of the Klan encompasses the vileness, the beauty, and the endearing qualities of freedom of speech, freedom of assembly, and freedom of the press. On one side of the coin, there have been

Exercising their First Amendment rights: The Ku Klux Klan marches in Jackson, Mississippi.

Tom Roster/SOUTHLIGHT

comments to the effect that maybe something is wrong with me. There have been questions that somehow a freak of nature has undertaken to represent this body of "boys in the hood." Because of high blood pressure, because he has gone crazy, or maybe because he suffers some great social disease that is affecting his brain stem, [he has undertaken] an act of suicide.

There has been discussion that if you love your community, then you have an obligation to back away. If you love black people, you have an obligation not to do what you're doing.

But the vileness of the First Amendment means that if you silence those you hate, then you really do create holocaust. If you attack those who make you feel uncomfortable, then you really do create slavery. And if you go about the process of trying to define when someone can assemble, you restrict that freedom; you really do create ethnic cleansing.

I have stated consistently that [the First Amendment] is a consistent right; it is something we should all cherish. . . . Although when I talk to my client, I sit there and wonder, "Why in the world am I doing this?" And when he says, "Mr. Griffin, I too need representation," I cringe. When he tells me, "Mr. Griffin, I too will be like Dr. Martin Luther King and protect my membership list," I want to crawl under the table.

But then I think about it and I say, "If I don't protect the Klan, then I'm not protecting myself." And if I don't protect the right of freedom of organization, although vile and although vicious, I am destroying myself.

It's not by some freak of nature. It is the recognition that they have a right to meet and to organize and assemble, because that's what we all stand for and that's what we all should cherish.

Adapted from a speech given at The Freedom Forum First Amendment Center, November 1993.

U.S. Department of Justice

Louis J. Freeh

is the director of the Federal Bureau of Investigation.

BALANCING CIVIL LIBERTIES WITH THE RULE OF LAW

Since the bombing in Oklahoma City in April 1995, public debate has focused anew over the role of government in the United States. Reality dictates that the federal government, along with state and local authorities, must have a meaningful role in enforcing the law and protecting the public from harm. There is nothing more important for a democratic society than realizing that the police—those entrusted with the public safety—are also trusted with the morality of policing. This means that the police protect our precious constitutional rights—as well as human rights.

At times, arguments over law enforcement can become shrill. One extreme position is that we have to severely restrict the rights of the people in order to protect them from crime and terrorism. Another extreme position would be that effective law enforcement always means the destruction of civil liberties; thus we should not be as diligent in our war against crime and terrorism.

We do not have to trade in any of our constitutional rights and protections to ensure public safety. The central fact is that effective law enforcement goes hand-in-hand with constitutional rights; you can't have one without the other. We don't have to make any choice between liberty and safety. And in the real world, the full protection of civil liberties *strengthens* law enforcement, just as effective, honest law enforcement better protects the rights given to us by the Constitution and the rule of law.

All sensible people know that, as a nation that is both free and strong, we can deal with even the worst threats to public safety. But to my amazement, there are voices that, by contrast, claim *repression by* government—and *fear of* government. These claims have been aired by some and given wide media coverage. Federal law enforcement officers, in particular, have been described as "thugs" by some advocacy groups.

Without the devotion of police to the constitutional safeguards and the rule of law, our entire civilization would quickly collapse. If you think that is an exaggeration, let me give you a chilling example.

In 1995, we celebrated the fiftieth anniversary of the defeat of Adolf Hitler and his totalitarian Nazi regime. How and why Hitler was able to launch his monstrous campaign against humanity is a lesson we must never forget: The Nazi terror began not by breaking German law, but by abusing the law, in stages.

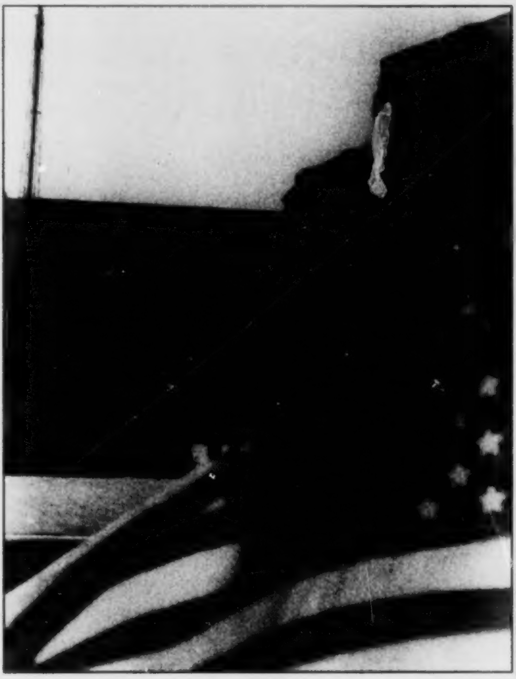
In February 1933, Hitler persuaded President von Hindenburg to invoke Article 48 of the Weimar Constitution. This emergency provision enabled

Hitler to suspend individual and civil liberties, freedom of speech, press, and assembly. It allowed warrantless searches of homes and the seizure of property without due process of law. And it established the death penalty for crimes including "serious disturbances of the peace." These emergency decrees became the legal basis for establishing and operating the concentration camps.

The Nazis directed the civilian police—not the military, not the Gestapo—to arrest first the political dissidents, then Jews, and other groups. If you look at the early photographs, when the arrests are being made, you do not see blackshirts or Gestapo officers. You see the civil police.

The legal battle for power in Germany was thus waged and won by the Nazis in about thirty days. The repercussions, which still echo through the bleak halls of Auschwitz, Birkenau, and Dachau and cemeteries across the world, will and must reverberate in human memory so long as we endure.

The lessons are twofold: First, whenever a democratic police force fails to protect people's rights, a dictatorship generally follows. This is a great concern, as you can imagine, in the fledgling democracies of eastern Europe, Russia, and the Commonwealth of Independent States. Second, we are blessed in the United States with a framework of law which absolutely requires law enforcement officers to maintain the strictest adherence to the rule of law and the protection of liberties guaranteed under the Bill of Rights.



Reuters/Corbis-Bettmann

In April 1995, a large homemade bomb destroyed the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, killing more than 160 men, women, and children. This bombing was the deadliest crime in U.S. history. Many Americans believe that more laws need to be passed to give the government additional powers to fight terrorism.

"THE THIN BLUE LINE"

For Americans everywhere, effective, honest law enforcement *is*, and *should* be, something to be respected and praised. It is the bastion of our democracy. It is truly the "thin blue line" that stands between order and disorder, between the rule of law and chaos.

Although we do not have to trade in any of our constitutional rights to provide law and order, I do think, however, that we have to be logical. We have to be mature enough to recognize that there is a delicate balance between public safety and constitutional guarantees. Law-enforcement authorities need the capacity, pursuant to lawful authority, to access appropriate information and then be able to use it.

A LIVING DOCUMENT

At the same time, we recognize that we have a great and wonderful Constitution. We have a tradition of free speech, even if that speech in some instances is offensive and despicable. In fact, the FBI enforces the civil rights statutes, which provide in part for the right of people to assemble and speak.

We certainly don't want to abrogate or suspend these time-honored guarantees. We do, however, want to be able to look at those individuals or groups who, by any objective test, go beyond speech, advocate violence, have the ability to commit crimes, and in general jeopardize public safety.

This is not a repressive society. Never in the history of the world has there been so complex and diverse a society as the United States of America—a society with constitutionally guaranteed and protected freedoms and liberty for all. Never has there been a legal system that has been so carefully engineered to ensure a fair, fact-finding system, governed by and dedicated to the rule of law.

In July 1994, I visited eastern Europe and met with five presidents, including Lech Walesa of Poland and Vaclav Havel of the Czech Republic. They asked the same question: How can we make the necessary balance between protecting human rights and safety? How can we be safe and free?

The model is here in the United States—a successful product of the continuing great experiment.

The Constitution

THE ERA: ALMOST AN AMENDMENT

by Pherabe Kolb

More than any other document, the U.S. Constitution embodies the spirit of America. It is both legal contract and patriotic symbol, defining the nation's system of government as well as its guiding principles. Written in 1787, the Constitution has survived the social and political change of the last 200 years and is now the oldest written constitution in the world still in use.

Perhaps because of this accomplishment, attempts to amend, or change, the Constitution have almost always failed. Moreover, the successful amendments—although significant—have been few and far between. In the last 200 years, the Constitution has been amended only twenty-seven times. In that same period, more than 10,000 proposed amendments to the Constitution were rejected.

Some of these proposals no doubt were dismissed for their eccentricity. For instance, an amendment proposed in 1893 to rename the country "the United States of the Earth" was not added to the Constitution. But other, more serious, offerings have also gone down in defeat. Proposals to reform the electoral college, for example, have never been accepted although they have been introduced numerous times. Even recent popular recommendations, such as limiting terms for members of Congress and requiring a balanced federal budget, have thus far fallen short of the support needed for passage.

Although it too was ultimately defeated, no other proposal has come closer to being added to the Constitution than the Equal Rights Amendment (ERA). The amendment stated, "Equality of Rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

Proposed in Congress as early as 1923, the ERA came up for debate dozens of times, and, on a few occasions, was put to a vote. But it never secured the two-thirds majority in both houses of Congress needed to send it to the states for approval. Not until 1972 did Congress finally pass the ERA. Twenty-two—of the necessary thirty-eight—states ratified the amendment within the year. In the middle of the 1970s women's movement, the ERA seemed certain to pass. But opponents organized to defeat the ERA, creating a backlash among citizens and lawmakers against the amendment. When the deadline for ratification passed in June 1982,

National Archives

the Equal Rights Amendment was three states short of becoming part of the Constitution.

The measure ultimately failed because ERA supporters were unable to unite the American people behind their cause. Some women's rights activists believed that only a constitutional amendment would definitively eliminate discrimination against women in the courts, the workplace, and eventually society as a whole. But each time the ERA was introduced, opponents contended it would do more harm than good. They feared the amendment would eliminate laws designed to protect women and ultimately threaten their traditional roles as wives and mothers.

The ERA amassed a good deal of popular support, but these disagreements prevented it from gaining the solid consensus it needed to survive the amendment process. Like thousands of other proposed changes, this proposal to guarantee equal rights for women was eventually rejected. It seems that Americans—at least when it comes to the Constitution—like to keep things pretty much the way they are. Many of the Constitution's authors, however, expected the nation would change the document more often.

THE CONSTITUTION: AN IMPERFECT DOCUMENT?

In 1788, after a long battle, the Constitution of the United States emerged from the states and finally became the law of the land. Yet the framers recognized that the new Constitution was not perfect. Even after months of painstaking writing, contentious debate, and careful compromise, Benjamin Franklin noted:

> *When you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly can a perfect production be expected?*

Franklin and others realized that the success of the new nation would depend on how well this imperfect document could respond to new concerns and issues. George Mason, a delegate to the Constitutional Convention from Virginia noted, "Amendments will be necessary, and it will be better to provide for them in an easy, regular, and constitutional way than to trust to chance and violence." Thus, to avoid revolution as the only route to change, the framers included the powers described in Article V to give future Americans the ability to change the Constitution.

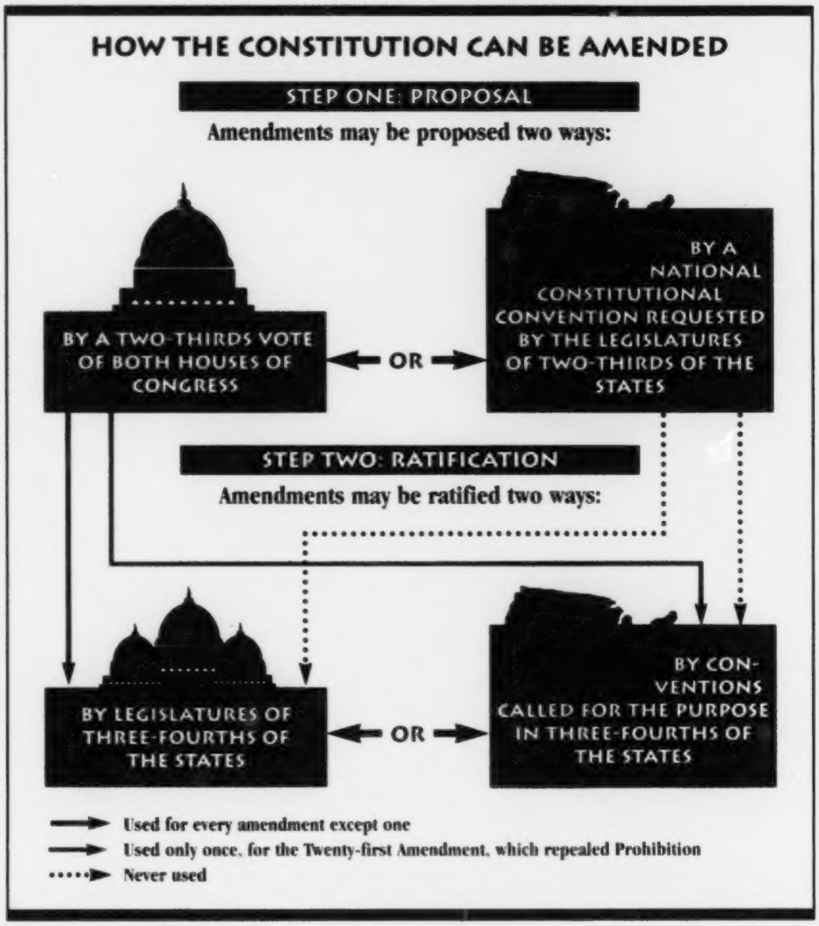
Amending the Constitution. A constitutional amendment can be proposed by a two-thirds vote in both houses of Congress, or by a national constitutional convention called by Congress at the request of legislatures in two-thirds of the states. Although both of these methods are outlined in Article V, all twenty-seven amendments to the Constitution have been proposed by a congressional vote. Once an amendment has been proposed, it must then be ratified (approved) by special conventions in three-fourths of the states or by three-fourths of the state legislatures. Only the Twenty-first Amendment has been approved by the state convention method.

Although it is seldom exercised, the power to amend the Constitution is one of the features that has enabled the document to endure. It allows the changing needs and values of the nation to be incorporated gradually, while the remainder of the document continues to uphold the basic foundations of the government.

The first ten amendments, known as the "Bill of Rights," are a good example of how Americans changed the Constitution to reflect their values. Two states agreed to ratify the Constitution only on the condition that a bill of rights be added soon after ratification. Thus, the first ten amendments,

ARTICLE V OF THE U.S. CONSTITUTION

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; . . .


HOW THE CONSTITUTION CAN BE AMENDED
STEP ONE: PROPOSAL
Amendments may be proposed two ways:
BY A TWO-THIRDS VOTE OF BOTH HOUSES OF CONGRESS
OR
BY A NATIONAL CONSTITUTIONAL CONVENTION REQUESTED BY THE LEGISLATURES OF TWO-THIRDS OF THE STATES
STEP TWO: RATIFICATION
Amendments may be ratified two ways:
BY LEGISLATURES OF THREE-FOURTHS OF THE STATES
OR
BY CONVENTIONS CALLED FOR THE PURPOSE IN THREE-FOURTHS OF THE STATES
Used for every amendment except one
Used only once, for the Twenty-first Amendment, which repealed Prohibition
Never used

which protect individual freedoms and limit the powers of the federal government, were added all at once in 1791. In the aftermath of the Civil War, the Thirteenth, Fourteenth, and Fifteenth Amendments were added to free enslaved African Americans and to grant them rights of citizenship, equal protection under the law, and male suffrage. All of these provisions reflected a shift in the way Americans believed the government should treat its people.

To many, the Equal Rights Amendment seemed a natural addition to this list. Similar in spirit to the Fourteenth Amendment, the ERA reflected the nation's changing attitudes toward women. Yet its defeat highlighted why many Americans were still wary of equal treatment of the sexes. In many ways, these disagreements were a continuation of a centuries-old debate over the proper role of women in American society.

WOMEN IN AMERICA

The debate over equal rights throughout American history has been shaped by the notion that men and women naturally have separate spheres of influence. This concept presumes that women are biologically and morally predisposed to domestic and family concerns, while men are more suited for the realm of work and politics. The reality of women's lives, however, has often been very different.

Working Women. Even in eighteenth-century America, most women "worked." The business of raising children and managing a household required long hours with no pay. Other women worked on family farms or took in paid work, such as sewing or laundry. African-American women, most of whom were slaves until after the Civil War, were forced to toil as manual farm laborers or domestic servants.

By the 1830s, many women were working outside the home for wages. In textile mills, for example, women and children outnumbered men by nearly 7 to 1. But they were sometimes paid only $1.50 per week—far less than their male counterparts.

By 1900, women made up 20 percent of the American workforce. By 1940, 25 percent of women were employed, but mostly in low-paying jobs as cooks, seamstresses, and laundresses. The crisis of war eventually forced government and business to employ women in better-paying jobs. During World War I, while their husbands, brothers, and fathers were overseas, women were called upon to fill some of the manufacturing positions that the men had left behind. In World War II, thousands more women went to work in traditional male jobs. Soon the image of "Rosie the Riveter"—a drill-toting woman who built tanks, planes, and ships—became a popular wartime icon. By war's end, 37 percent of American workers were women.

Most women, however, were fired when the war ended. A union official expressed the views of many men when he said, "The same patriotism that induced women to enter industry during the war should induce them to vacate their positions after the war." Upon losing their jobs in 1945, some women returned to the home. Those who chose or were forced by economic need to stay in the workforce often found themselves relegated to lower-paying, women-only jobs such as being secretaries, typists, and retail sales clerks. Nevertheless, by 1960, the percentage of American women employed in full-time or part-time jobs outside the home had risen to 40 percent.

Salaries for women in all occupations increased in the twentieth century, but the wage gap between men and women persisted. Most employers explained the discrepancy by saying that women generally worked in occupations that demanded fewer skills. They also believed that men's higher salaries were justified because many men were the sole breadwinners for their families. However, many married women with wage-earning husbands had to work to meet their family needs. In addition, many unmarried, widowed, or divorced women were the sole supporters of themselves and their families and needed higher salaries.

National Archives

During World War II, women entered the workforce in greater numbers than ever before. Many women, like these riveters at a bomber plant, wanted to keep these higher-paying jobs when the war ended. Yet most were fired to make room for the returning soldiers.

Women in Political Life. Just as women emerged from the home to compete in the workplace, they also went beyond the domestic realm to participate in the political process. Since they were considered to be the keepers of America's virtue, women were allowed to speak out on issues related to morality or the family. By influence and persuasion alone, female activists were instrumental in the movements to end slavery, ban alcohol, and enact child labor laws.

By the end of the nineteenth century, women capitalized on these victories and began participating more frequently in public life. They founded organizations to educate themselves, volunteer for causes, and raise funds to address social problems in their communities. Though they were more active than ever before, women were still officially prohibited from participating in government. This exclusion sparked many women to demand the right to vote.

The Fight for Suffrage. Before 1900, the campaign to win the right to vote was waged mainly in individual states. The effort was moderately successful. By 1919, thirty-seven states allowed women to vote in some type of elections. However, many women believed that only a constitutional amendment could ensure these rights nationwide. During the reform-minded Progressive Era of the late nineteenth and early twentieth centuries, the suffrage (right to vote) movement gathered steam.

Women supported suffrage for a variety of reasons. Some believed women were equal to men and should therefore be entitled to the same constitutional rights. Other women argued that they should be allowed to vote not because they were equal to men, but rather because they believed they were more moral than men and would have a positive effect on government.

However, many Americans opposed women's suffrage because they believed women were incapable of making rational decisions and were more suited to concerns of the family.

Some southerners feared that giving black women the right to vote would threaten white supremacy in the South. Similarly, some in the Northeast felt threatened by the influx of immigrants in their areas and feared the consequences of giving foreign-born women the vote.

The suffrage movement grew weak under the weight of these internal and external conflicts but eventually the cause prevailed. In 1919, at the urging of President Woodrow Wilson, Congress finally passed the Nineteenth Amendment. The law stated that "the right of citizens of the United States to vote shall not be denied or abridged . . . on account of sex." It was ratified by the states and became law in 1920.

BEGINNINGS OF THE EQUAL RIGHTS AMENDMENT

After winning the right to vote, supporters of women's rights were optimistic that even more significant changes for American women were just around the corner. Many hoped that women would run for political office so they could challenge discriminatory laws. Yet, between 1920 and 1960, only three women were elected to the U.S. Senate and forty-four to the U.S. House of Representatives. By 1930, it also became clear that women were not a unified voting force in American politics. Instead, they tended to vote along regional party lines or as their husbands or fathers voted.

The next few decades also brought little change in the legal status of women. In many states, women were still not legally allowed to divorce, own property, or run businesses. The practices of prohibiting women from sitting on juries, purchasing property, and retaining custody of their children after a divorce also persisted long after 1920. Some women began to believe that the only way to address these injustices would be to mandate equal rights by amending the Constitution.

In 1923, women's rights activist Alice Paul wrote the following equal rights amendment, which was proposed in Congress.

> *Men and women shall have equal rights throughout the United States and in every place subject to its jurisdiction. Congress shall have the power to enforce this article by appropriate legislation.*

Early Opposition. Critics of the amendment feared its effect on protective labor legislation. Protective laws had greatly improved wages and working conditions for thousands of women, especially those in labor-intensive factory jobs. Women's rights groups who had pushed for these regulations throughout the nineteenth century were reluctant to jeopardize them. They were relieved when the Supreme Court upheld protective labor laws in *Muller v. Oregon* (1908), ruling that it was constitutional to give women special treatment because their roles as mothers made them different from men.

If a constitutional amendment eliminated these distinctions between men and women, opponents feared, protective laws would be repealed. Melinda Scott, a member of the United Textiles Union, testified before the Senate in 1923 that: "[Supporters of the ERA] do not know what it is to work ten or twelve hours a day in a factory so they do not know what it would mean to lose an eight-hour-a-day law. The working women do know."

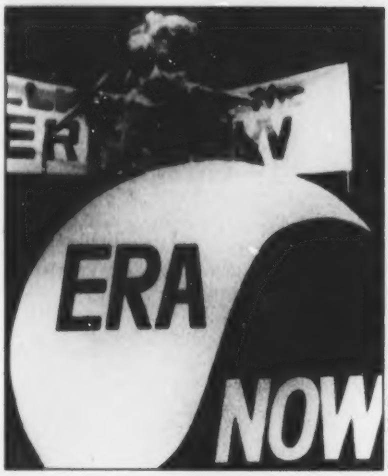
Some women's rights groups, including the League of Women Voters, believed an ERA was not the

VOTE
WE DEMAND AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES ENFRANCHISING THE WOMEN OF THIS COUNTRY

Brown Brothers, Sterling, Penn.

After years of public protests, like this one in Washington, D.C., the Nineteenth Amendment was finally passed and denying anyone the right to vote "on account of sex" became unconstitutional.

answer to women's problems. In a 1938 editorial in *The Washington Post*, a member of the League wrote: "The real discriminations against women result from custom and prejudice—not from laws. A constitutional amendment won't change these attitudes. It will aggravate them." The League, and other moderate women's organizations, instead believed that passing more protective labor legislation, expanding educational opportunities, and increasing political involvement among women were the better ways to address discrimination.



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In her 1963 book, *The Feminine Mystique*, women's rights activist Betty Friedan described the boredom and hopelessness of Americsn women who were discouraged from pursuing professional and educational goals. Friedan was the first president of the National Organization for Women (NOW), one of the largest women's groups in favor of the ERA.

The ERA and the Fourteenth Amendment. One of the strongest legal arguments against an equal rights amendment was that it was unnecessary. Opponents pointed out that women were already protected by the Constitution under the Fourteenth Amendment, which ensures "equal protection of the laws." Although this amendment was originally intended to protect the rights of newly freed slaves, it had been interpreted by the Supreme Court to protect the rights of other Americans. Initially, women were hopeful that it could also be used to assert their rights. But until the late twentieth century, the Court consistently upheld laws that treated women unequally.

In *Bradwell v. Illinois* (1873), for example, the Supreme Court upheld an Illinois ban against women practicing law. It ruled that the law was constitutional because "the natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life." This view of women as weak and inferior to men persisted, shaping the laws and practices that affected American women throughout much of the nineteenth and early twentieth century.

Early Failures. Because few Americans believed that women should be treated equally, early attempts to pass the ERA were unsuccessful. After its initial proposal in 1923, the ERA was debated, but not seriously considered. Congress took up the measure in committee on several occasions—in 1936, 1938, 1946, 1950, and 1955. But each time it failed to receive a two-thirds majority or it was passed with "riders" (unrelated measures) attached to weaken its original intent.

In many ways, limited support for the ERA among American women was responsible for this lackluster reception in Congress. After 1920, the women's rights movement, which previously had united women from all walks of life around the cause of suffrage, splintered and faded as women left the movement or turned their interest to other issues. Not until the women's movement regained strength in the 1970s did Congress again seriously consider the Equal Rights Amendment.

EQUAL RIGHTS AMENDMENT: TAKE TWO

The civil rights movement of the 1960s marked a new era in American politics. The legal and social victories won by African Americans demonstrated that change was possible and helped revive the women's rights movement.

Frustrated by their limited opportunities, white middle-class women founded the "new" women's movement. In her 1963 book, *The Feminine Mystique*, author Betty Friedan rejected the widely held belief that woman's only place, and only happiness, was in the home. Suburban housewives were frustrated by the lack of educational and professional opportunities life offered them.

Working-class women and women of color were also frustrated, but often for different reasons. Many of these women had long worked outside the home and thus did not identify with the isolation and boredom of suburban housewives. However, they were tired of discrimination on the job. In 1970, the average salary for a woman was only 55 percent of the average salary for a man. In 1974, more than 26 percent of the black female workforce continued to be employed as household laborers—one of the lowest-paying occupations.

Why an ERA Now? This unequal treatment of women in the workplace provided one of the strongest arguments in favor of an equal rights amendment. Many women believed that decades of legislation to prohibit unfair labor practices had been ineffective. They thought that only a constitutional amendment mandating equal treatment of the sexes would effectively address these issues. Under the existing laws, they argued, Supreme Court rulings and government policies were inconsistent in upholding women's rights.

Supporters pointed out that, in some instances, the Court acknowledged that it was rational to treat men and women as equals. For example, the Court struck down laws that allowed unemployed fathers but not unemployed mothers to receive Social Security benefits. However, the Court also made rulings that assumed men and women were inherently different. Thus some laws, such as those prohibiting women from registering for the draft, were upheld.

These rulings were due in part to the Supreme Court's interpretation of the Fourteenth Amendment during the 1970s. Throughout this period, women still did not enjoy complete "equal protection of the laws." Instead, the Court ruled that discrimination based on sex was more permissible than that based on race. Supporters of the ERA argued that a constitutional amendment was needed to give women the same protection from discrimination that racial minorities had.

In contrast, opponents of the ERA contended that women had ample legal protection from discrimination. They pointed out that women were also protected by Title VII of the Civil Rights Act of 1964, which prohibits employers from discriminating on the basis of race, color, national origin, religion, or sex. Yet supporters believed this law was not well enforced. Because the Civil Rights Act was passed primarily to combat racial discrimination, supporters argued, the Equal Employment Opportunity Commission (EEOC) did not take charges of sex discrimination seriously. Supporters believed that only an ERA would ensure the consistent equal treatment of women in the workplace and in the courts.

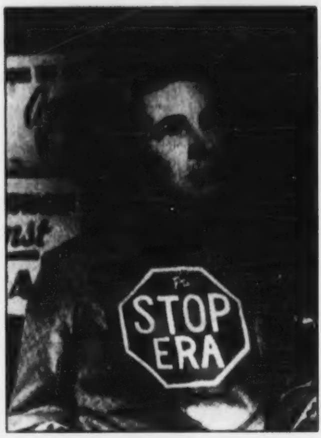
The ERA Goes to the States. In May 1970, the Senate Subcommittee on Constitutional Amendments held the first hearings on an equal rights amendment since 1955. In 1971, Representative Martha Griffiths of Michigan introduced the following constitutional amendment in the House of Representatives.

> **Section 1.** *Equality of Rights under the law shall not be denied or abridged by the United States or by any state on account of sex.*
>
> **Section 2.** *The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.*
>
> **Section 3.** *This amendment shall take effect two years after date of ratification.*

ERA YES!
Springfield
Welcomes Yo

AP/Wide World Photos

Supporters of the Equal Rights Amendment staged public protests, like this one in Springfield, Illinois, in 1976, to draw attention to their cause. Despite its eventual failure, public opinion polls showed that most Americans favored the ERA when it was first introduced.



UPI/Bettmann

Phyllis Schlafly, pictured here, founded the organization Stop-ERA soon after the amendment was sent to the states for ratification. Through ambitious publicity campaigns and nonviolent protests, Stop-ERA alerted lawmakers and citizens to what they believed were the negative consequences of passing the ERA. Many experts agree that the actions of Stop-ERA ensured the amendment's failure.

This ERA differed from the original amendment proposed by Alice Paul in 1923. Supporters changed the text several times through the decades, believing that a less controversial ERA—with wording similar to existing amendments—would have a better chance of passage. In October 1971, the House approved the amendment by a vote of 354-23. The Senate passed the measure in March 1972 by a vote of 84-8. Congress then attached a seven-year ratification deadline to the amendment and sent it to the states.

After so many years of congressional indifference to ERA, the overwhelming victories in the House and Senate indicated that the measure finally had widespread support. By the end of 1972, twenty-two states had ratified the amendment. An October 1974 Gallup opinion poll showed that 78 percent of Americans favored adding an equal rights provision to the Constitution. By 1974, fifteen states had already added equal rights provisions to their own constitutions. Supporters were confident that this public approval would convince state legislators to ratify the federal amendment quickly.

As state after state ratified the amendment, it seemed that the ERA was on its way to becoming the twenty-seventh amendment to the Constitution. However, by late 1973, the pace of ratification slowed considerably. Only eight states ratified the amendment that year and only three more approved it in 1974. Clearly, public support for the ERA had diminished.

Phyllis Schlafly and Stop-ERA. Soon after the Senate passed the ERA in 1972, opponents of the amendment began to mobilize. Conservative activist Phyllis Schlafly led the opposition effort in the states. In April 1973, she founded Stop-ERA, an organization devoted entirely to defeating the amendment.

Like opponents in the past, members of Stop-ERA contended that an ERA was unnecessary. They believed women were already protected by the Fourteenth Amendment and by Title VII of the Civil Rights Act of 1964. To prove their point, they cited recent Supreme Court rulings upholding equal rights for women.

In 1971, for example, the Court ruled in *Reed v. Reed* that an Idaho statute, which gave preference to males over females in the appointment of administrators of estates, was unconstitutional. This was the first time the Court had ruled that discrimination on the basis of sex was in violation of the Equal Protection Clause. Soon after, in *Frontiero v. Richardson* (1973), the Court struck down a federal law that also discriminated on the basis of sex. In stark contrast to its 1873 ruling in *Bradwell v. Illinois*, the Court ruled in *Frontiero* that "the sex characteristic bears no relation to the ability to perform or contribute to society." Opponents believed these favorable rulings proved that an ERA was unnecessary.

Moreover, Stop-ERA believed that the amendment would prevent the Court from making rational decisions on a case-by-case basis, and instead create a unisex society in which the differences between men and women would no longer be recognized legally. For instance, they believed the ERA would force women to use unisex public restrooms, abandon single-sex education, and enter the military draft. Opponents also contended that women's traditional roles as wives and mothers would be threatened if the amendment were passed. An Arizona state legislator who voted against the ERA remarked, "The danger in the ERA is its potential to radically change established, time-proven family and sexual relationships."

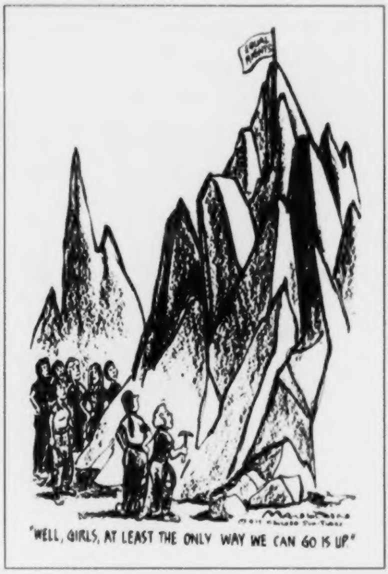
Stop-ERA also objected to Section Two of the amendment, which gave "Congress the power to enforce [the ERA] by appropriate legislation." They saw this as an encroachment on states' rights, protected by the Tenth Amendment. Opponents concluded that this provision would give the federal government the power to regulate family matters, such as how husbands and wives chose to divide household labor.

Critics charged that Stop-ERA took the debate to the extremes. For example, Schlafly often contended that the only women supporting the ERA were radical women's liberationists, who did not identify with mainstream American women. She referred to ERA supporters as "a bunch of bitter women seeking a constitutional cure for their personal problems," and one pamphlet characterized the amendment as "a socialistic plan to destroy the home."

Stop-ERA used publicity and protest to spread their message. The organization launched aggressive letter-writing campaigns aimed at women and state lawmakers across the country, outlining what they thought would be the disastrous consequences of an equal rights amendment. When the North Carolina legislature considered the ERA in February 1973, Stop-ERA filled the lobby with hundreds of chanting protesters. They brought dozens of school children into the chamber, each shouting, "Please don't send my mommy to war!"—a reference to Stop-ERA's assertion that the ERA would force women to be drafted. Many believe these efforts persuaded the North Carolina State Senate to reject the amendment.

ERA Supporters Strike Back. In January 1976, the National Organization for Women (NOW), the League of Women Voters, and the National Woman's Party formed an organization called ERA-America to counter the strong gains being made by Stop-ERA. In 1977, ERA-America hosted the National Women's Conference in Houston to bolster support for the amendment. Later that year, NOW encouraged women to boycott businesses and events in any state that refused to vote on the amendment.

Despite these efforts, by 1978, less than a year before the deadline, the ERA still had only thirty-five of the needed thirty-eight states for ratification. ERA supporters pleaded with Congress to grant them an extension. After much debate, Congress issued a Joint Resolution extending the deadline to June 1982. ERA supporters pushed on, but were unable to get several states to even vote on the measure. It soon became clear that no new states would approve the amendment. Ratified in only thirty-five states, the ERA ran out of time on June 30, 1982.


EQUAL RIGHTS
MAULDIN
"WELL, GIRLS, AT LEAST THE ONLY WAY WE CAN GO IS UP."

Bill Mauldin. Reprinted with permission, Chicago Sun-Times © 1996

WHY THE ERA FAILED

A number of factors contributed to the defeat of the Equal Rights Amendment. First, supporters were often hard-pressed to articulate what immediate positive changes the amendment would have on women's lives. Their arguments for the ERA often involved complicated legal explanations of the limits of the Fourteenth Amendment. These concepts were hard to explain and at times difficult for the average American to understand.

In contrast, Stop-ERA used concrete examples to persuade legislators and the public that the ERA was a bad idea. Their assertions that the ERA would force women into the draft or strip them of their alimony rights were emotionally compelling and easy to understand. Thus, ERA supporters often spent entire press conferences refuting these charges before they were able to outline the positive effects they believed the ERA might have. In the end, the country was more swayed by the adverse short-term prospects of unisex bathrooms or housewives demanding pay than the promise of long-term equal treatment of the sexes.

The opposition also benefited by concentrating its efforts in just a few states. Phyllis Schlafly knew that if only thirteen states voted against the amendment—or never voted on it—the ERA would never achieve the three-fourths majority needed for ratification. Consequently, Stop-ERA ignored states such as Montana, which was likely to approve the amendment because it already had an ERA in its state constitution.

Instead, Stop-ERA focused its attention on states such as Illinois, where support for the ERA was moderate. In particular, Illinois was a good target because its state legislature required a three-fifths majority for ratification of a federal constitutional amendment. Knowing that anything short of a solid consensus would mean defeat, Stop-ERA converged on Illinois to rally citizens, lobby lawmakers, and stage protests. By 1982, the Illinois legislature had voted—and rejected—the amendment on eight different occasions.

Another factor that contributed to the defeat of the ERA was the lack of unity among its supporters. The National Organization for Women (NOW) often clashed with more moderate groups like the League of Women Voters. ERA-America's 1977 boycott of anti-ERA states was ineffective and widely criticized by women's groups who felt it was too little, too late. Some women resented the prominence of lesbians in the movement who also wanted the amendment to address discrimination based on sexual preference. These internal conflicts distracted organizers from focusing their efforts on the growing prominence of Stop-ERA and were in part responsible for the amendment's eventual defeat.

Is the ERA Dead? For most of the 1970s, the ERA embroiled the nation in a debate over one of the most personal and volatile issues of this century. Some scholars believe that legislators voted against the amendment not because they opposed it, but because they wanted to dissociate themselves from the controversy that surrounded it.

The ERA battle turned the spotlight on the growing divisions within the American women's movement. Unlike the fight for suffrage, issues facing women today rarely spark consensus. Now, women are more likely to base their political views on their race, class, or religious background rather than solely on their gender. Such diversity of opinion makes the unified support of one issue—or one amendment—difficult to muster. Though some have tried, these adverse conditions lessen the likelihood that an equal rights amendment would be successfully reintroduced in the near future.

EQUAL RIGHTS AMENDMENT TIMELINE

1920	The Nineteenth Amendment to the Constitution is ratified, giving women the right to vote.
1923	Women's rights activist Alice Paul writes the Equal Rights Amendment (ERA). Later in the year, the ERA is introduced and defeated in Senate committee.
1936-55	The ERA is introduced and defeated six more times.
1970	Senate subcommittee holds the first hearings on the ERA since 1955.
1971	House of Representatives passes the ERA (354-23).
1972	Senate passes the ERA (84-8). The amendment is sent to the states with a seven-year deadline. The states have until March 1979 to ratify the amendment.
1972	The ERA is ratified in twenty-two states.
1973	The ERA is ratified in eight states. Phyllis Schlafly and others form Stop-ERA to defeat the amendment.
1974-7	Five more states ratify the ERA.
1978	The ERA only has thirty-five of the thirty-eight states needed for ratification. Supporters obtain an extension of the ratification deadline until June 1982.
1982	June 30: The deadline passes. The ERA falls three states short of ratification.

EVALUATING THE AMENDMENT PROCESS

In many ways, the success of Stop-ERA provided a blueprint for defeating constitutional amendments. Technically, only national and state elected officials have the power to amend the Constitution. Yet, organized public efforts—like the one engineered by Stop-ERA—can convince lawmakers to vote one way or the other. In the future, opponents—or proponents—of constitutional amendments will likely use similar strategies.

The defeat of the ERA also raises many questions about the difficulty of amending the Constitution. The required majorities in Congress and state legislatures are so large that they demand a near consensus of opinion to be obtained. Many amendments ratified in the twentieth century—the Eighteenth and Twenty-first (prohibition of alcohol and its repeal), the Nineteenth (women's suffrage), and the Twenty-sixth (lowering the voting age to 18)—were only ratified once they achieved widespread public support.

Although the framers created the amendment process outlined in Article V to prevent the Constitution from being changed on a whim, many scholars argue that it sometimes prevents even the most serious and well-supported amendments from passing. For instance, an amendment will fail if only thirteen states vote against (or simply do not vote) on the ratification of an amendment. Moreover, some states require more than a simple majority for ratification of a federal constitutional amendment. Arkansas, Colorado, and Georgia, for example, require a two-thirds vote of both houses; Illinois requires a three-fifths vote. Because a small block of local opponents can effectively veto an amendment, ratification is difficult to obtain.

Scholars have long argued over why the U.S. Constitution is amended so infrequently. Whatever the reasons, most agree that the ideas contained in this eighteenth-century document are still relevant and meaningful today. So rather than amend the Constitution, some Americans instead prefer to trust the instincts of the framers, while others expect the Supreme Court to interpret the Constitution's meaning in the context of the times. Though they might praise the Constitution for its flexibility, it seems most Americans are even more impressed by its resistance to change.

CONSTITUTIONAL AMENDMENTS PASSED IN THE TWENTIETH CENTURY

1913	Amendment 16	Allows Congress to place a tax on incomes.
1913	Amendment 17	Calls for the direct election of U.S. senators.
1919	Amendment 18	Prohibits the manufacture and sale of alcoholic beverages.
1920	Amendment 19	Grants women the right to vote.
1933	Amendment 20	Changes the date of the presidential inauguration and the date on which Congress convenes to prevent "lame duck" officials defeated in an election from serving an extra four months in office.
1933	Amendment 21	Repeals Amendment 18.
1951	Amendment 22	Limits the president to two full terms in office.
1961	Amendment 23	Grants people in Washington, D.C., the right to vote for president.
1964	Amendment 24	Outlaws the charging of fees (poll taxes) as a condition of voting.
1967	Amendment 25	Outlines how the executive offices will be filled (line of succession) in the event of a presidential vacancy.
1971	Amendment 26	Grants 18-year-old citizens the right to vote.
1992	Amendment 27	Prohibits congressional pay changes from taking effect before the next election.

CHAPTER 2

THE CONGRESS

CHAPTER 2

THE CONGRESS

The first and longest article of the Constitution deals with Congress. Most of the powers of the national government are delegated to that legislative assembly, indicating that the framers of the Constitution intended for Congress to be the dominant institution among the three branches of government. But the influence of Congress has varied throughout American history, often depending on who occupies the White House. The articles in this chapter explore Congress's power under the Constitution "to make all laws."

The most important official in the legislative branch is the speaker of the U.S. House of Representatives. In 1995, Newt Gingrich of Georgia became the first Republican speaker in forty years. As he explains in his article, Speaker Gingrich has used his position to make fundamental changes in how the House, and the speakership itself, works. Gingrich also discusses what responsibilities he believes Congress has toward the American people.

The primary duty of members of Congress, particularly in the House of Representatives, is to serve their constituents. Representative Nancy Pelosi of California offers an inside look at what a congresswoman does and how she deals with those who elected her to public office. Although her district in San Francisco is more than 3,000 miles away from Washington, D.C., Representative Pelosi's top priority is staying in contact with constituents, keeping them informed about the business of Congress, and encouraging them to be active and informed citizens.

Members of congressional staff play an important role in making public policy. Robert Mallett, who served as legal counsel for Senator Lloyd Bentsen of Texas, explains how aides gather and analyze information, brief legislators, prepare for hearings on proposed bills, issue reports on laws that are

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adopted, and work with constituents. Although some critics charge that Congress has become "a government of staffs," Mallett believes that congressional aides provide Congress with a source of information that is independent from the executive branch it oversees—a branch whose staff vastly outnumbers Congress's.

The 104th Congress had seventy-three freshman representatives. One of them was J. C. Watts, Jr., of Oklahoma. In his article, Representative Watts explains why he decided to run for Congress, what he wanted to accomplish for the people in his district, and what one thing about Washington disappointed him the most.

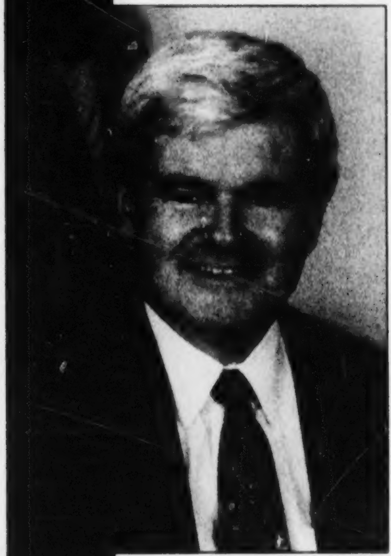
One of J. C. Watts's key votes in his first year in office was his support for term limits for members of Congress. Paul Jacob and congressional scholar Norman Ornstein square off on this issue. Jacob, the president of a pro–term limit organization, argues that Congress has become an entrenched class of career politicians who have rigged the campaign system to favor their reelection. Term limits, says Jacob, will help elect citizen legislators who will bring accountability and respectability back to the legislative branch. But Norman Ornstein maintains that filling Congress with "amateurs" would only increase the power of special interests and the other branches of government. Under term limits, Ornstein argues, legislators would have no incentive to consider long-term policy, because they would always be looking for another job.

Congress has the "power of the purse." That is, it decides how federal dollars are spent, a powerful function that often leads to conflict with the president. In 1995, a disagreement over how to balance the budget developed into a prolonged public battle between the Republican-controlled 104th Congress and President Bill Clinton. This chapter's case study examines the stalemate that closed down the federal government in late 1995 and early 1996.

Criticism of Congress is nothing new. Pundits have enjoyed poking fun at the nation's legislature since the day the first House convened on April 1, 1789—April Fools' Day. But although many Americans criticize Congress as a whole, they generally approve of their own representatives. For all its perceived faults, Congress is still representative democracy at its best.

U.S. House of Representatives

KEEPING CONGRESS CLOSE TO THE PEOPLE



Office of Representative Gingrich

Newt Gingrich
is the speaker of the U.S. House of Representatives. He represents the sixth district of Georgia.

The founding fathers wanted the U.S. House of Representatives to be the part of the government closest to the American people. The president of the United States is elected every four years and embodies the desires and aspirations of the country as a whole; senators are elected every six years and represent individual states. But the members of the House have to return to their districts and be reaffirmed in the people's eyes every two years. The House thus stays that much closer to the immediate concerns of the public.

As a result, the energy and emotional level in the House are often much higher than in the Senate. Henry Clay, the first strong speaker of the House, preferred the House to the Senate, although he served in both. He said the House was more vital, more active, more dynamic, more common. I believe that is a good thing.

For 210 years, representatives from the most diverse country in the history of the world have gathered in the House of Representatives. The American people send all sorts of people to Congress; we allow and insist upon the right of a free people to send an extraordinary diversity of people here. One phrase by French visitor and historian Alexis de Tocqueville captures perfectly the spirit and reality of the House: "Often there is not a distinguished man in the whole number. Its members are almost all obscure individuals whose names bring no associations to mind. They are mostly village lawyers, men in trade, or even persons belonging to the lower classes of society." Now, aside from the fact that we include "women" in with men, very little has changed.

The House is a special place and Congress itself is a chamber that contains the hopes and dreams of a free people. There is something truly wonderful about the process by which a free people decides things. It is the most marvelous act of a complex, giant country trying to argue and talk, to have a great debate, to reach great decisions—not through a civil war, or any sort of violence, but as a society of law and civil behavior.

The challenge for members of Congress is not just to balance the budget, or reform welfare, or change campaign finance laws. Our challenge shouldn't be anything that's just legislative. Members of Congress, each one of us, must be leaders. Ultimately, we should not be content to settle merely for the language of politics and legislation. We should insist that our success for America is felt in the neighborhoods and in the communities. That should be the mission for anyone who wishes to step into the historic halls of Congress.

THE SPEAKER: FOR ALL THE PEOPLE

The speakership of the United States House of Representatives is a noble calling. Steeped in the history of the House and woven into the fabric of our government, the position embodies the traditions of our people and the legacy of our form of government. Even though the speaker is elected by a partisan majority, the office transcends party lines. Just as the president is the elected representative of all the people, and not just of his partisan supporters, so too the speaker is the chosen representative of all members of the House. When you are first handed the speaker's gavel, you realize the enormity of the responsibility that history has imposed on you. You also understand the high honor that has been bestowed on you by your peers who are, in every respect, your equal.

The speaker's obligations are to preside over the House impartially, to ensure the orderly and efficient conduct of its business, to represent the House in the system of separated powers, to defend its prerogatives, and to bolster public confidence in it. At the same time, as the leader of his party's conference or caucus, the speaker has an obligation to press for enactment of public laws that his party supports. This always entails providing strong leadership within his party's ranks, and sometimes requires that the speaker use the powers of office (consistent with rules and precedents) to ensure adoption of policies in which he believes.

In the 1994 congressional elections, Republicans won control of both houses of Congress. In January 1995, Representative Newt Gingrich of Georgia became the first Republican speaker of the U.S. House of Representatives since Joseph Martin in 1955.

Close Up Foundation/Renée Bouchard

A NEW ERA FOR CONGRESS

Of course, there is a substantial difference between previous speakerships and the one now unfolding. The circumstances in which a Republican majority, for the first time in forty years, was elected to Congress in 1994 (and reelected in 1996) afforded us an opportunity to reshape the House and the speakership.

Our primary goal was to bring about fundamental change in public policy, but we also worked to transform the way in which the House of Representatives does business. One by-product of this new approach is a speakership with a perceived greatly enhanced power and authority. I happen to be the first Republican speaker of the new era, but the office is not mine and surely it does not revolve around only me. The system that we are putting in place involves more responsibility in the speakership, but it also involves greater participation among members, greater efficiency in the conduct of legislative and administrative business, more flexible arrangements, more openness and accountability.

Furthermore, we have adopted many techniques from the business world to maximize our efficiency. As speaker, I am the equivalent of the chief executive officer. Majority Leader Dick Armey (R-Tex.) is the chief operating officer—handling the day-to-day floor schedule, including consideration of specific legislation. We have also begun to introduce modern-day business techniques such as "adhocracy," creating as-needed task forces to supplement the traditional committee process. These and other changes, of course, will be continually reviewed and updated. If something hasn't worked, we won't hesitate to change it.

As speaker, I have attempted to develop the ideal of partnerships with the American people. In reaching out, Congress must be prepared to fully share its work with citizens. The first action of the 104th Congress was to get "on-line" for the whole country, so that every amendment, every conference report could be accessed by citizens via computer. We worked with C-SPAN and others to help make the building more open to television, more accessible to the American people. We brought talk radio hosts into the halls of Congress, no matter what their ideology. I have participated in Internet "chat rooms," again to discover and support new ways to communicate with the American people.

My role has changed beyond the traditional speaker responsibilities. In a time of peace, the importance of the legislative branch increases. Since individuals and communities are key elements in improving America, part of my responsibility is to inform, exhort, and encourage the public to become involved in what goes on in their neighborhoods. One result of the rise and success of the Republican-majority Congress is that there are, I believe, more discussions now going on at dinner tables across the land about the size and scope of the federal government, about individual responsibility and other important topics. In a time of dynamic change, the speaker of the House and the Senate majority leader, almost as much as the president of the United States, must be prepared to explain the impact legislation has on people's lives.

A CONGRESSWOMAN AND HER CONSTITUENTS

Office of Representative Pelosi

Representative Nancy Pelosi

(D-Calif.) has served in the House of Representatives since 1987.

Elected officials are called public servants because their primary duty is to serve the public. This simple concept guides my relationship with constituents of the Eighth Congressional District in San Francisco.

My district is well known for its vital commerce, culture, and scenic beauty, attracting visitors from around the world. In Golden Gate Park alone, people enjoy art, history, science, the wonders of sea life, and the serenity of colorful gardens. Entertainment choices range from listening to every form of music to hiking ocean-view trails.

Less well known to visitors is the city of strong neighborhoods, thriving community organizations, combative local politics, and rich diversity of language, culture, and ethnicity. San Francisco is home to people who work in all of the occupations that serve a large tourist industry, those involved in finance and international trade, in the creative arts, in teaching and research at our great college and university campuses, hospitals and clinics. This also includes people who keep our city working for all of its residents as well as guests. Many people in San Francisco also work in the nonprofit sector of agencies that do everything from building affordable housing to serving the sick and elderly.

RESPONSIBILITIES TO CONSTITUENTS

As the people's representative in Congress, I serve my constituents in three primary roles.

First, as a legislator, I work for the budget priorities and public policies that will improve the quality of life in my community and in our nation. Working with constituents on federal issues, I give them an honest assessment of the prospects for success and potential obstacles when they propose ideas that may be controversial. But I also encourage people to never confine their hopes and dreams to what may seem legislatively possible. By pursuing ambitious goals for change, dedicated constituents shorten the time between the seemingly inconceivable and the inevitable.

My legislative responsibilities involve introducing laws, making decisions about government spending, testifying before congressional committees, and speaking out on the floor of the House. To gain support for a proposal, I must state my case and persuade other legislators of the merits of my position. Legislating also involves a great deal of study time, as well as time devoted to listening to other points of view. When I present my arguments, for example, for more money for AIDS or breast cancer research, I must have a thorough knowledge of policy and fiscal implications as well as be prepared to answer questions or counter opposition.

These issues present a good example of the key role that constituents play in passing legislation. Individuals and organizations in my district have been instrumental in educating and mobilizing the public to pressure the federal government for advanced medical research into AIDS and breast cancer.

Partisan and philosophical differences generate impassioned debate in Congress. In my experience, effective legislators are those who respect opposing views and negotiate agreements without conceding on principles. This is what people mean when they talk about the "art of compromise."

Second, I assist people in dealing with federal laws and agencies. Constituents often need help when they must resolve problems with the federal government on concerns such as Social Security or veteran's benefits, immigration procedures, and student loans. On a daily basis, my office is in direct contact with agencies handling these and many other issues, making telephone calls, attending meetings, sending letters, or obtaining needed documents for constituents. Individuals, community-based organizations, and local officials also rely upon my office as a source of advocacy and information when applying for federal grants, understanding regulations, or untangling "red tape."

Third, as an elected official, I also take responsibility for promoting the fullest participation possible in the democratic process. Democracy is not only about free elections; it is also about the formation of public policy. My job is to facilitate the involvement of constituents in both the electoral process and policy development, and I work to provide information, motivation, and opportunities for the exchange of ideas.

I rely on the people of my district as an invaluable resource for creative and practical advice, as well as an inspiration in my work. Two-way communication is an essential component of serving the public, so that both citizens and their representatives are making informed decisions.

Community forums and neighborhood meetings in my district engage constituents in identifying problems and solutions, analyzing congressional proposals, and expanding the scope of community debate. We discuss policy options and consequences in our meetings, and we have developed local strategies to affect national change. District newsletters explain

Congresswoman
Nancy Pelosi
eighborhood
Meeting

Ruth Passen

Members of Congress, particularly in the House of Representatives, try to maintain strong ties to the constituents they serve. Here, Congresswoman Nancy Pelosi, at a neighborhood town meeting in her district, presents an award to Jack Jacqua, cofounder of San Francisco's Omega Boys' Club.

the choices before Congress on key issues and also help bring constituents into the public debate. As a member of Congress, I seek to both reflect my constituents' positions and express the added insight that I gain from serving them.

WORKING WITH THE COMMUNITY

Members of the House of Representatives serve a two-year term. When I go to the voters of my district and ask for their support for reelection, I am accountable for my record and I am responsible for addressing a future agenda. I have the good fortune to represent a city whose people appreciate the give and take of politics, and who assert their views without hesitation. I represent a city of abundant talent, innovation, and courage.

I had the opportunity recently to honor community members who typify the citizenship that makes San Francisco a great place to live as well as to visit. Constituents Jack Jacqua and Joe Marshall cofounded the Omega Boys' Club in their Potrero Hill neighborhood of San Francisco in 1987. Under their personal direction, the club grew from a membership of 15 to 500 today; 100 members are enrolled in higher education institutions throughout the country. The club helps at-risk youths with job training and counseling assistance to get into college, motivates them to reject violence and succeed academically, and, most important, the Omega Boys' Club tells young people that their community cares a great deal about their future. The two men who initiated this important work in our community were recognized by the National Education Association Martin Luther King, Jr. Memorial Award, and I was pleased to commend them in the *Congressional Record*.

I share this story about Jack Jacqua and Joe Marshall because I want all young people to know how much our society values them. I also hope that the work of my constituents will inspire you as it inspires me. You can seek out community leaders to get the help you and your family may need to succeed, you can work with your elected officials and your neighbors to improve your community, you can study political issues and the record of your representatives to be an effective advocate on the issues affecting you, and you can decide to run for political office yourself. I want to assure you that dedicated men and women in Congress are working to see that you have the opportunity to realize the promise of America that has sustained so many earlier generations of its people.

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Robert L. Mallett *is a lawyer in Washington, D.C. He previously served as legal counsel to Senator Lloyd Bentsen of Texas.*

THE ROLE OF CONGRESSIONAL STAFF

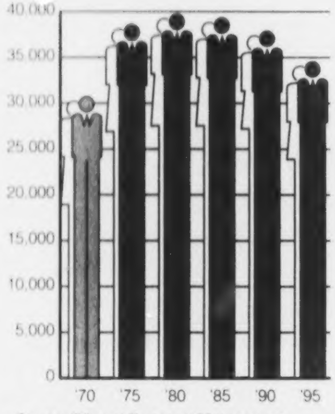
Each year resumes by the thousands flood Capitol Hill. Working for a committee of Congress or directly for a member of our national legislature still holds the promise of challenge and excitement. This combination is a powerful magnet to some of the brightest minds in our country. Congressional staff members can influence public policy, assist in the formulation of goals for our society, and help the members of Congress for whom they work craft solutions to national and global problems.

In years past, congressional representatives typically hired generalists to manage constituent issues and complete special assignments. This is still true. Increasingly, however, as members of Congress expand their legislative portfolios, newcomers to "the Hill" are professionals with specialties in law, finance, health, communications, military science, and many other disciplines. As a general rule, these professionals are highly motivated, civic-minded, and politically mature. Still there are others, such as political neophytes fresh out of college, who are seeking the excitement, glamour, and challenge that come from association with the powerful.

Many citizens view a congressional office as a kind of miniature think tank and a place where information is exchanged. And, to a very large extent, it is both of these things. The management, manipulation, and framing of information influence legislative development, voting outcomes, and arguments for or against an issue. Congressional aides play a pivotal role in this process. They undertake extensive work to gather and analyze information, prepare for hearings, brief senators and representatives, and issue reports on legislation as it is adopted by committees.

Aides also listen to constituents and representatives from interest and

PAID CIVILIAN EMPLOYMENT IN THE LEGISLATIVE BRANCH



Source: Office of Personnel Management

Close Up Foundation/Renee Bouchard

Congressional staff play an important role in formulating the policy positions of members of Congress. Here, an aide confers with Senator Edward Kennedy (D-Mass.) at a hearing on health care reform.

advocacy groups. A good staff aide not only has substantive knowledge about an issue important to her legislator, but also is able to listen to constituent concerns and reconcile them with her legislator's goals. Likewise, a good aide is capable of ferreting out allies for proposals and serving as an advocate and coalition-builder for particular legislative objectives.

Congressional action also takes place away from the Hill. In fact, much of it does. Staff members frequently observe members of Congress at home in their legislative districts. Aides get to see, firsthand, how a proposal or project affects a community. I remember, for example, surveying with my boss, former Senator Lloyd Bentsen (D-Tex.), the physical damage and human devastation caused by the flooding of the Trinity River.

The river flows through east Texas from Fort Worth, passing through other major cities, including the southern portion of Dallas and Houston, and terminates at Texas's east border. Land, homes, farms, schools, and other community institutions were totally destroyed. Almost immediately, Senator Bentsen moved to have the region declared a disaster area and to institute flood control projects. It was my job to execute both these initiatives.

In home districts, aides attend public forums, private meetings, or social and civic activities with the most important people to a politician—the voting public. From these and other forums, aides can often gauge through spoken and unspoken messages the level of interest in a given topic. They can observe reticence, doubt, acceptance, fear, anger, and hostility. Equally significant, they can hear constituents express their needs. In this sense, congressional aides are essential intermediaries between the public and its elected officials. Aides' ability to listen and to balance what they hear is critical to their success as congressional staffers.

As legal counsel to Senator Bentsen, I saw firsthand the role of congressional staff, and I relished advancing the goals and interests of the senator. As chair of the Senate Finance Committee, for instance, Bentsen had oversight for a broad range of issues, including tax and health policies.

Some critics charge that Congress has too many staff members, that it has become a "government of staffs." My experience, however, is that the growth in congressional staff has been necessary for Congress to keep up with the expanded regulatory powers—and expanded staff—of the executive branch, which Congress must oversee. Without a professional staff, Congress would have no independent source of information and would be at a severe disadvantage when dealing with executive agencies. As it is, congressional staff is still vastly outnumbered. In 1995, civilian staff for the legislative branch was only 34,300—compared to more than 2 million for the executive branch (not including the U.S. Postal Service), a difference of over 50 to 1.

No good senator or representative operates without a strong staff helping to do the people's business. No good congressional aide ever forgets that the people's business is the most important work that he or she does.

Office of Representative Watts

Representative J. C. Watts, Jr.

(R-Okla.) was elected to the House of Representatives in 1994.

REFLECTIONS OF A NEW REPRESENTATIVE

In my eyes, America is truly an amazing country with boundless opportunity. Never in their wildest dreams would Helen and J. C. "Buddy" Watts have imagined the fifth of six children born to them as a member of the U.S. Congress.

I grew up in a small, rural town called Eufaula, Oklahoma. My parents were good hard-working folks who taught us the only hand you could depend on was the one at the end of your arm. My dad embedded this belief in me so much that I took it one step farther, when I became the quarterback for the University of Oklahoma.

At that point in my life, politics had never entered my mind until my senior year in college, when as a journalism major I was assigned to cover a debate between a young Republican businessman and the Democratic mayor of Oklahoma City. They were both articulate, charismatic, and running for the same U.S. Senate seat. I actually found myself energized by the debate, and as I walked back to the J-school building to finish my story, I found myself internally debating the issues and wanting to learn more about the candidates.

I eventually found myself agreeing with the Republican, who now happens to be Senator Don Nickles, the majority whip of the U.S. Senate. This especially surprised me because I was from a family of Democrats. I thought being a Democrat was my birthright. But his words resonated with the values on which I had been raised, words I thought my father owned: work hard, play fair, be responsible, pay your own way.

This debate was a turning point for me. I went on to graduate from the University of Oklahoma and play in the Canadian Football League, serve as a youth minister, and run my own small business in Oklahoma. But from that day forward I continued to follow politics and understand the effects on people's lives. In 1990, I decided to throw my hat into the political arena, so I ran for corporation commissioner of Oklahoma. I became the first black man to ever hold a statewide elected office.

RUNNING FOR CONGRESS

As corporation commissioner and a minister I was constantly talking with people and listening to their concerns. I came to understand that people were afraid the "American dream" was slipping away from their children and grandchildren. I wanted to make a difference for the people of Oklahoma who had done so much for me throughout my life, and for my five children who will inherit America in the condition my generation leaves it.

In 1994, when I decided to run for Congress, there was a different political climate. Many citizens like myself, businesspeople and parents, not career politicians, were running for office. We signed the "Contract with America," and pledged that we would fight to bring government home to the people and put commonsense values back in the driver's seat. These winds of change brewed in 1994, and I was elected to Congress, along with seventy-two other freshmen, to serve in the first Republican majority in both houses of Congress in forty years.

I can honestly tell you there were probably people more qualified than I from the Fourth District of Oklahoma, but there were none who were going to attack the task at hand more vigorously or take more pride in the job than J. C. Watts, Jr. I truly believe that was the predominant attitude of the entering freshman class; we wanted to make a difference—not because it is always the popular thing to do, but because it was the right thing to do and the right time to do it.

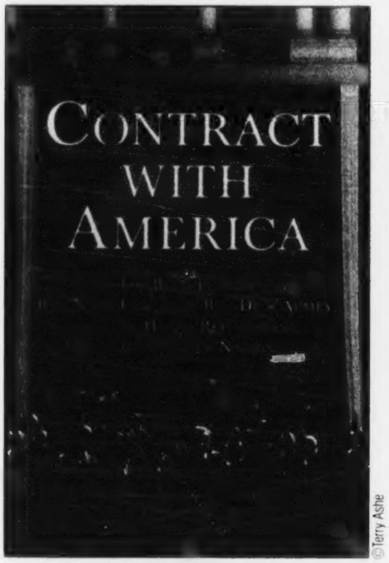
THE REPUBLICAN REVOLUTION

During my freshman term, I experienced a range of emotions. Excitement and hope coupled with exhaustion and frustration. I entered the 104th Congress with great respect for the institution and the tradition built around the legislative branch, but I also entered understanding that the people of Oklahoma wanted to see significant change; the traditional crony system and power elites were no longer acceptable.

The first 100 days of the 104th Congress were amazing. They were both mentally and physically exhausting for the members of Congress as well as our staffs, but for the first time in forty years, the Republican Party was passing the legislation and policies we had been promising Americans. It was like a kid who had never been to a candy store and we were finally getting our sugar. After the first 100 days we kept the record-breaking pace, staying in session more days and working longer hours than almost any Congress in history.

We audited and computerized the congressional books for the first time. Previously, any auditing done was in pencil. Can you imagine controlling billions and billions of dollars with a pencil? No wonder the deficit is so high! We also implemented laws that said Congress had to follow the same rules it creates for the country, a gift ban that ended gifts and free trips for members of Congress and staff, and eliminated proxy voting, a loophole that allowed ghost voters for members of Congress in the committees.

I think accountability and responsibility was what the 104th Congress was all about. We came to make a difference and we did. We shifted the debate. No longer are we debating whether to balance the budget, but how to balance the budget; no longer are we debating whether to give Americans tax relief, but how to give tax relief; and no longer are we debating whether to reform welfare, but how to reform welfare.



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In 1994, 367 Republican candidates for Congress signed the "Contract with America." The Contract included ten bill proposals, including term limits, a balanced budget amendment, the line item veto, and welfare reform. Republican candidates promised voters that they would act on these proposals during the first 100 days of the new Congress. On November 8, 1994, the Republican Party won control of both houses of Congress for the first time in forty years.

J. C. Watts, Jr., was one of the most visible freshmen of the 104th Congress. In August 1996, Representative Watts delivered a well-received address at the 1996 Republican Convention.

AP/Wide World Photos

THE IMPORTANCE OF HONESTY IN GOVERNMENT

One of the disappointments was how shamelessly people in Washington lie. My daddy would whip me all over Oklahoma if I lied the way many of my colleagues have done. The blatant lies began with false reports that Republicans were cutting school lunches, student loans, and Medicare for the elderly. The truth was we increased funding for these programs, and even after the million-dollar reward for anyone who could prove we cut Medicare went unclaimed, the public lies and insidious comments continued.

This behavior was truly discouraging; intelligent leaders purposely misrepresented the truth to the American people. Nothing could have prepared me for this, and I think it will always be my biggest disappointment in this system as long as I serve in Congress. But it has also reminded me of how important honesty is with constituents, and that our government is more important than a game. It's about people like my children and my father who are tired of being lied to and treated as pawns.

Overall, however, serving as the representative of the Fourth District of Oklahoma has been one of the greatest experiences of my life. Every vote we cast in Congress is critical. It affects my constituents in Oklahoma, citizens across America, and even our grandkids. I cannot help but think that great men like Abraham Lincoln also walked these hallowed halls of our nation's capital, and thought about the direction our great country will take.

I am honored and humbled to be a part of this body of Congress, to remember our past and prepare for our future, and to help build a bridge over the crossroads to restore the American dream for our children and assure them a rich and promising life.

TERM LIMITS: TWO VIEWS

Chas Geer

Paul Jacob

is the executive director of U.S. Term Limits, a nonprofit, nonpartisan organization favoring term limits for members of the U.S. Senate and U.S. House of Representatives.

RESTORING A DEMOCRATIC TRADITION

The concept of term limits, or rotation in office, is nothing new. For centuries, it has been viewed as a necessary component of democratic government. From the city-state of ancient Athens to the early American republic, the virtue of citizen legislators over career politicians has been universally recognized. Thomas Jefferson, recognizing the corrupting influence of spending too much time in office, stated: "Whenever a man has cast a longing eye on them [offices], a rottenness begins in his conduct."

Jefferson's fears couldn't have been more fully realized. Career politicians in modern American politics enjoy advantages that can only be called rotten. From the taxpayer-financed perks and privileges that cannot be matched by any challenger,

American Enterprise Institute © Bruce Reedy Photo

Norman Ornstein

is a resident scholar at the American Enterprise Institute. He has written extensively about Congress and frequently appears as a guest commentator on national news programs.

CONGRESS NEEDS EXPERIENCED LAWMAKERS

The framers, in their wisdom, knew that permanent changes in the Constitution or structure of government could not and should not be made on the basis of popular passions, simple majority sentiment, or partisan judgments. When they have been, as with the Twenty-second Amendment that limited presidential terms, we have come to regret them.

Changes in the basic structure of government, or the political and constitutional rights of voters or officeholders, can and should only be made after the most careful of judgments, following a lengthy deliberative process, through a decisionmaking mechanism that makes change difficult to achieve.

It is my judgment that, public passion and opinion notwithstanding, limiting terms of any public officials is a misguided idea, one that almost inevitably provides more unintended, pernicious consequences than intended, positive ones. I believe this is true for presidential terms, gubernatorial terms, congressional terms, or any others.

The process of election and reelection, and the drive for reelection, are essentials; the need is to channel them in a positive way. The framers recognized this. They did not try to eliminate ambition from the political system, but to transform it into a positive force. The framers rejected the idea of arbitrarily limiting

JACOB CONTINUED . . .

to massive campaign coffers filled by special interest clients, incumbent members of Congress are able to intimidate potentially qualified opposition and bury any that take on the quixotic crusade of challenging incumbents.

Just look at the facts: From 1790 to 1900, average turnover in the House of Representatives was more than 45 percent. From 1946 to 1994, the average turnover dropped to just more than 16 percent. The trend is only getting worse. Since 1980, excluding redistricting years, turnover has averaged less than 13 percent, with an all-time low reached in 1988 when less than two out of every 100 incumbents who ran for reelection were defeated. Even in 1994, considered a watershed election by many political pundits, 90 percent of incumbents who ran for reelection won.

A SYSTEM FAVORING CAREER POLITICIANS

There is no mystery to incumbent advantage. Taxpayer-financed (franked) mail deposits the incumbents' highly trained political spin machine right into our mailboxes. Since 1980, Congress has sent more than eight billion pieces of franked mail to the American electorate. Neither the name recognition nor the free media coverage enjoyed by the incumbents can be matched by challengers.

But the mother of all advantages is Congress's control of the federal purse strings. Members habitually grant pork barrel projects and tax loopholes to the special interest clients that fund their massive reelection warchests. No wonder political action committees (PACs) contribute to incumbents at ten times the rate they contribute to challengers.

All of this adds up to a environment in which Representative John Rowland of Georgia said, "Let's face it, you have to be a bozo to lose this job."

Contrasting such high reelection rates with the abysmally low approval ratings of Congress, we see that there is no accountability in the system. No matter how much the public is angered at Congress, individual members have the power and electoral

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ORNSTEIN CONTINUED . . .

the service of individuals in public office. Frequent elections, checks and balances, the separation of powers, were all elements of their design to channel the ambition of politicians appropriately.

Advocates of term limits argue that the times are different; the virus of professionalism has created an army of careerists who have lost their backbones because all they can focus on is reelection, and who have unnecessarily complicated government to make their expertise and seniority more valuable.

Has "careerism" made government more complicated? Perhaps—but the major reason government is complicated is the dizzying pace and complexity of the world economy, the nature of governance in a $6 trillion domestic economy, and the difficulty of coping with social forces in an urban society of 250 million people.

Does anyone really believe that immigration laws, environmental regulations, trade rules, budget decisions, health policy, crime control, and financial market regulation are complex because professional lawmakers conspire to make them so for their own advantage? They are complex because the world and society, and the huge number of interests in them, require a complex and difficult balance when making policy. If we had amateurs writing Medicare provisions, drafting laws for food and drug inspection, or deciding clean air provisions, it might mean simpler laws. But that would not mean better governance but clumsier governance, with more likelihood of fouling up the economy, inadvertently shafting some legitimate interest, and creating more, not fewer, openings for sharks to fleece the system by finding or creating loopholes.

Chances are that if the legislature consisted of amateurs, the real policy decisions and the oversight of financial markets and international affairs would be taken over from an overwhelmed and inexperienced Congress out of its league, and made instead by seasoned bureaucrats, presidential appointees, judges, and the crafty and experienced people not being regulated—those we sometimes call the special interests.

advantages to spin themselves out of trouble, lay the blame on the other guy, and stay in office forever. Simply put, the electoral playing field is unfairly rigged for incumbents, by incumbents, every step of the way.

While members of Congress have provided themselves with the means to stay in office as long as they want, they have also given themselves all the incentive in the world to do just that. While they have run our country to the brink of bankruptcy and saddled generations to come with a mountain of crushing debt, members of Congress have done quite well for themselves. From six-figure salaries to multimillion dollar pensions, Congress has put itself in the top 1 percent of the nation's income brackets. Free medical care, plane travel, and parking spaces at the airport are only the icing on the cake.

WHY TERM LIMITS?

Term limits are about the restoration of citizen-legislators who work for the people's interests instead of their own. Term limits will stop the madness and restore accountability to government, end the corrupt seniority system, restore fiscal responsibility, give voters more choice at the polls, create opportunity for new people and ideas in government, and level the playing field of electoral politics.

The seniority system helps perpetuate career incumbency by rewarding long tenure with increased power. It is inherently undemocratic, allowing power to accumulate in the hands of individuals for no other reason than they have mastered the art of reelection. It further discourages the most qualified people from ever running for office.

Under the seniority system, a new member can count on close to a twenty-year wait before attaining a committee chair or leadership post. How many people have any intention of leaving the private sector to run for Congress when they would have to wait that long? Only a person who wants to be a career politician would ever attain leadership. Under term limits, the seniority system would go out the window. New members with new ideas could make a difference

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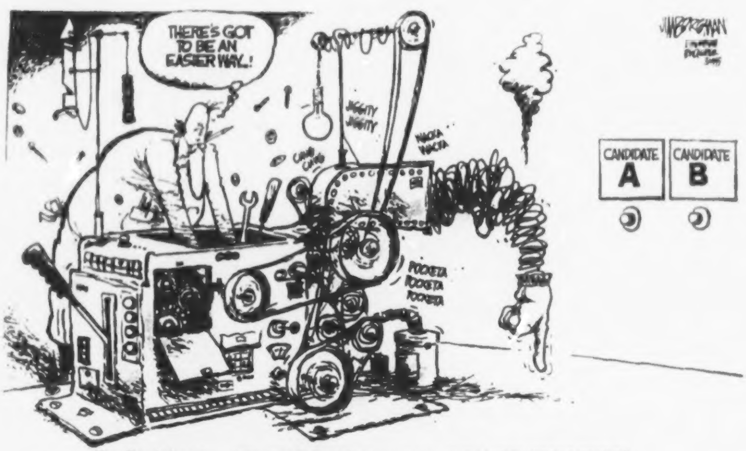
ORNSTEIN CONTINUED . . .

One rejoinder to that argument is that we will get enlightened amateurs with term limits—noble and seasoned citizen-legislators who leave their top careers in commerce, industry, and the professions, not for political ambition but to spend a few years in Washington before returning to their homes and jobs.



The Great American AUTOMATIC THROW-THE-BUMS-OUT TERM LIMITS VOTING DEVICE
(PATENT PENDING)

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Wouldn't it be worth it if we could check the arrogance and ambition of the current class of career politicians? Maybe it would—but term limits won't have that effect. Instead, they will bring with them even more corrupting ambition. People willing to suffer the upheaval of running for Congress and coming to Washington will be just as ambitious as those here now—but they will channel their ambitions in different ways.

Congressional service will be a stepping-stone to the next post, not a place to serve in and of itself. Instead of making any commitment to their institutions or to long-term policy,

JACOB CONTINUED . . .

instead of being relegated to the back benches.

Study after study shows that term limits would help get our fiscal house in order. Grover Nordquist of Americans for Tax Reform said that term limits would do more to balance the budget than the balanced budget amendment. With limited terms in office, members of Congress would be more empowered to make the tough decisions needed to eliminate the deficit and tackle other politically sensitive issues.

Finally, term limits would bring fairness back to elections and give voters more choice at the polls. The current advantages of career incumbents deter most qualified candidates from ever running for office. Because incumbents would be barred from running again, term limits would create far more open seats, thus giving the voters a real choice at the polls. Studies show that more open seat races create the opportunity for more people to run for office, including more women and minorities.

For years the people have supported term limits for Congress. Not only are they the only way to restore fairness to elections, but the only way to clean up Congress and reign in an out-of-control federal government of career politicians. Politicians have stonewalled the people for long enough. Congress has failed miserably on term limits for the simple reason that they have a clear conflict of interest on the issue. Term limits will only be imposed on Congress through continued grassroots pressure and innovative political strategies. This is an issue where the interests of the political class directly conflict with the will of the vast majority of people. In America, the people rule. Setting term limits on members of Congress will assure our democratic way of life for future generations.

ORNSTEIN CONTINUED . . .

term-limited members will start on day one thinking about the next step. They will be running for the Senate from the time they enter the House or cozying up to lawyers and lobbyists to prepare for the next stage of their careers.

To be sure, there are serious problems now in governance and standards for politicians. There are ways to solve those problems, through campaign finance reform, disclosure, stiff enforcement of ethical standards, and good old-fashioned political leadership. Dramatic and irreversible constitutional change is not the answer.

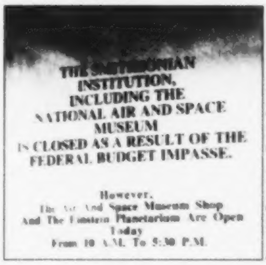
Adapted from testimony before the Senate Judiciary Subcommittee on the Constitution, January 25, 1995.

The Congress

THE 104TH CONGRESS AND THE BATTLE OVER THE BUDGET

by Charles R. Sass

Each year since 1969 the federal government has spent more money than it has taken in, creating annual budget deficits. Relatively small budget deficits in the 1970s grew to levels as high as $290 billion by 1991. By 1996, this long succession of yearly deficits led to a total national debt of more than $5 trillion. But rather surprisingly, for most of those years Americans and the politicians they elected to represent them paid little attention to deficits and the national debt. Issues such as health care, national defense, and crime took turns as the number one concern of the majority of Americans. The budget deficit did not register with most people.



THE SMITHSONIAN
INSTITUTION,
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NATIONAL AIR AND SPACE
MUSEUM
IS CLOSED AS A RESULT OF THE
FEDERAL BUDGET IMPASSE.

However,
The Air And Space Museum Shop
And The Einstein Planetarium Are Open
Today
From 10 A.M. To 5:30 P.M.

Close Up Foundation/Renée Bouchard

When discussion of the deficit did come up in Washington, each side blamed the other. Democrats in Congress blamed Republican presidents Ronald Reagan and George Bush, pointing out that a $1 trillion national debt in 1980 had grown to $3 trillion by the end of the decade. Republicans countered Democratic charges by emphasizing that it was Congress and not the president who must approve a budget each year—a Congress controlled by Democrats for most of that time. Some members blamed the debt problem on those policymakers who continually called for larger and larger defense budgets. Others said the debt was a result of the uncontrolled social spending unleashed by the Great Society programs started during the 1960s. Some said taxes were too low; Americans needed to pay for the benefits they expected to get from the federal government. Others said taxes were too high; the economy was being stunted because too much was being taken out of peoples' paychecks. While Congress did make several somewhat feeble attempts to deal with the deficit during the 1980s, it was not until the economic recession of the early 1990s that Americans and their elected officials began to take a hard look at the problem. Some predict that around 2010, the U.S. economy, burdened by a crippling national debt of more than $7 trillion, will grind to a halt. This "nightmare scenario" includes double-digit unemployment, impoverished retirees, a dry Social Security fund, a bankrupt Medicare system, and massive tax burdens.

The presidential campaign of 1992 thrust the budget deficit issue into the spotlight. Incumbent President Bush pointed out that the recession was ending and that as the economy improved the budget deficit would decrease. Democratic candidate Bill Clinton told the people that reducing the budget deficit would be a top priority of his administration. Independent candidate Ross Perot—who was chiefly responsible for bringing public attention to the deficit—called the national debt "the crazy old aunt who lives in the basement. All the neighbors know she's there, but nobody wants to talk about her." But all three candidates were now talking about the deficit like never before.

In August 1993, Congress passed President Clinton's first budget, a budget that he promised would lead to much smaller deficits. The deficit issue simmered into late 1994 as other issues were debated, but when the 104th Congress—controlled by Republicans for the first time in forty years—convened in January 1995, balancing the federal budget became item number one. Nearly everyone said, "We gotta do it," but few could agree on how it should be done.

Thus the stage was set for Congress to come up with a plan to balance the federal budget, a plan that the president would sign. Many Washington watchers were predicting an epic battle between a new Congress controlled by a mix of veteran Republican legislators and enthusiastic, eager, and perhaps naive freshmen and a Democratic president who had been approaching deficit reduction in a different manner. Their predictions would come true.

APPENDIX
BUDGET
SUPPLEMENT

Close Up Foundation/Renée Bouchard

The president of the United States is required by law to submit a budget to Congress every February. The budget book is composed of thousands of pages of tables and charts showing where revenues will come from and how they will be spent.

WHO IS RESPONSIBLE FOR THE BUDGET?

Despite the finger-pointing by Republicans at Democrats, Democrats at Republicans, Congress at the president, and the president at Congress, both parties and two branches of government play major roles in developing a federal budget each year and, therefore, share responsibility for running up budget deficits. Historically, the majority party in Congress needs cooperation from the minority party to reach a final budget compromise. And even though both the House and the Senate must agree on the final budget, they still have to secure the signature of the president before the budget becomes law. Over the years, piecing together a federal budget has required patience, with give and take on all sides. Members of the same party do not always agree; they may have to compromise. Members from urban districts may disagree with members from rural districts; Northerners may disagree with Southerners; veteran members may disagree with freshmen members; the House may disagree with the Senate; the president may disagree with Congress. Thus, the task is never easy. So when the public and the politicians begin to look for someone to blame for budget deficits, there is plenty of blame to go around.

What Does the President Do? The president is required by law to send to Congress—no later than the first Monday in February—a budget for the upcoming fiscal year. The fiscal year (FY) begins on October 1 and ends on the next September 30. The president depends on the Office of Management and Budget (OMB) to compile all the figures from the administration's departments and agencies and create the budget. This budget reflects the priorities of the administration.

What Does Congress Do? No federal agency or program can operate without receiving both approval and funding from Congress. Congress first passes an authorization bill which states the goals of a program, the rules and regulations that Congress believes are necessary, and the amount of money that the appropriate agency can spend on that program. Then, Congress must pass a separate appropriation bill, which actually gives the agency the money to run its programs.

Congress is also responsible for raising money—or revenue—for the federal government. The lawmakers raise money by maintaining or increasing existing taxes and authorizing the U.S. Treasury to borrow money to make up any difference in money collected and money spent.

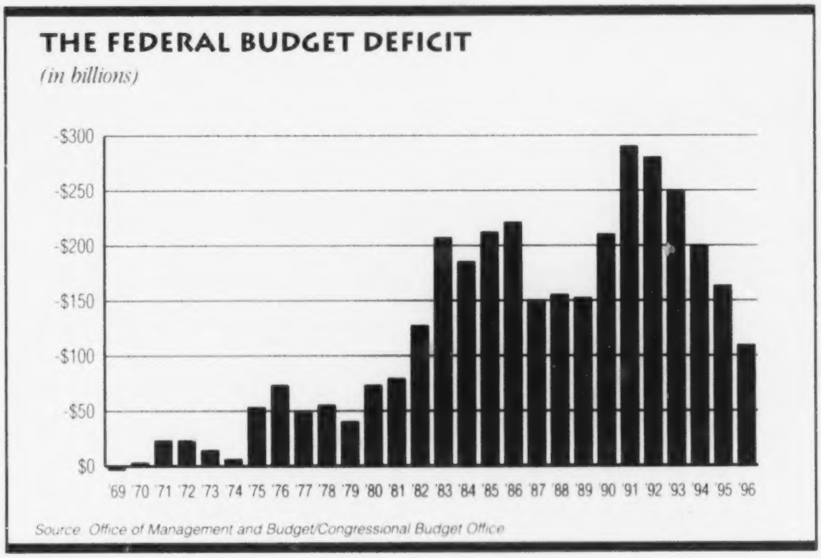
Federal law requires both houses of Congress to approve a joint budget resolution by April of each year. That resolution sets guidelines for how much the government can spend and predicts how much revenue it will take in. Later in the year, the legislators must pass a second budget resolution, which reflects any recent changes in the economy and in expected revenue. If appropriations bills already passed by Congress exceed the new limits, Congress draws up a reconciliation bill to bring spending within the limits set by the second budget resolution. After Congress has taken all of these steps by getting a majority vote in both houses, it sends a budget for the upcoming fiscal year to the White House for the president's signature. If the president signs the budget bill, it becomes law.

DEFICIT SPENDING—AN AMERICAN TRADITION

If continued deficit spending is going to ruin the U.S. economy as some have maintained, why did politicians appear to pay so little attention to the problem until recent years? After all, spending more than it takes in is not something the government just started doing. The practice has been going on for years. And for most of this time, few citizens or their elected officials have lost sleep over it.

Two Centuries of Debate. The debate over the effect of budget deficits and national debt has been taking place for more than 200 years. James Madison argued that borrowing money to invest produces economic prosperity. Thomas Jefferson, however, warned that deficits could burden future generations. But despite occasional arguments about the government going into debt, a balanced budget was, for the most part, federal policy until the 1930s.

The New Deal and World War II. During the Great Depression of the 1930s, President Franklin Roosevelt believed that, because millions of American were out of work and hungry, the government had no choice but to borrow to help pull the country out of misery. Unprecedented government spending under Roosevelt's New Deal combined with low tax collections led to a national debt of more than $40 billion by 1940.



THE FEDERAL BUDGET DEFICIT
(in billions)

Source: Office of Management and Budget/Congressional Budget Office

After reaching a high of more than $290 billion in FY91, the federal deficit has decreased. The $109 billion deficit in FY96 was the lowest in fifteen years. Both the Democratic president and Republican members of Congress took credit for the dramatic drop.

However, it was World War II that forced the government into even greater deficit spending. By the end of the war, the debt had grown to about $260 billion. Fortunately, economic prosperity during and after World War II enabled the government to pay off its New Deal and wartime debt.

A Flicker of a Debt. However, during the 1950s and 1960s, the Cold War competition between the United States and the Soviet Union led the federal government to devote billions of dollars to developing new and expensive weapons. Growing defense budgets, an ambitious space program, and the building of a national interstate highway system added to growing deficit spending. A long and costly U.S. military effort in Vietnam added to the strain. These policies, combined with the growing social programs of President Lyndon Johnson's Great Society, were about to make balancing the budget a monumental task.

Spend Now, Worry Later. Nevertheless, even with the Cold War arms buildup, the Vietnam War, and the Great Society programs, the U.S. government kept its debt under control. It took the United States 205 years—1776 to 1981—to accumulate a national debt of $1 trillion. It now stands at more than $5 trillion. What produced this dramatic increase?

Franklin D. Roosevelt Library

To fight the economic ravages of the Great Depression, President Franklin Roosevelt convinced Congress to pass his New Deal legislation, which resulted in the federal government having to borrow billions of dollars to help Americans in need.

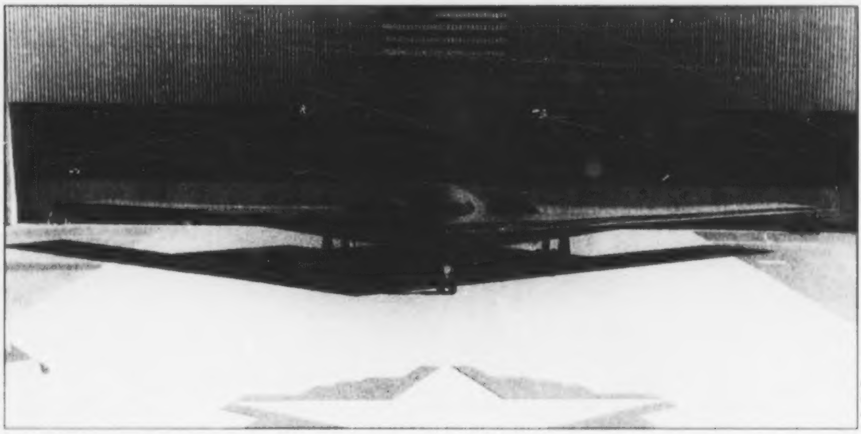
During the 1980s, the American people were given what many analysts call a "free lunch": increased federal benefits, a formidable national defense, and low taxes—a combination many believe triggered huge deficits and economic stagnation in the early 1990s.

Ronald Reagan, after winning the presidency in 1980, declared he could balance the budget by 1984 with a one-two punch of cuts in social spending and an expanding economy created by his supply-side economic program of tax cuts. Tax cuts give business and consumers more cash for investment and spending, two crucial elements for economic growth. Supply-side advocates contend that the resulting growth will eventually generate enough tax revenue to pay off annual deficits.

President Reagan promised to cut spending to offset the temporary lost revenue of tax cuts and help balance the budget. Many programs were cut, but those that dominate the federal budget—entitlement programs like Social Security, Medicaid, and Medicare—grew unabated. A Democratically controlled Congress refused to scale back these popular programs. The Reagan administration's defense buildup swelled the federal budget even more. Thus, increased spending and low taxes combined to drive up annual deficits and the national debt in the mid-1980s.

Reagan's economic program did produce economic growth during the 1980s, but matching the growth was the increase in government debt. The budget deficit ballooned from $70 billion in 1981 to $220 billion in 1986; the national debt doubled. By the end of the Bush presidency in 1992, the annual deficit had reached $290 billion.

A Shrinking Deficit—For Now The federal budget deficit has fallen quite dramatically since that high of $290 billion. The 1996 deficit dropped to $109 bilion, the lowest level in fifteen years. Republicans in the 104th Congress point to cuts in discretionary funding in 1995 and



For more than forty years, both Democratic and Republican presidents and Congresses spent billions of dollars developing sophisticated, expensive weapons systems to offset the threat of the Soviet Union during the Cold War. Shown here is the U.S. Air Force's B-2 ("Stealth") bomber.

U.S. Air Force

1996 as the main reason for the improvement. Conversely, President Clinton believes his deficit reduction program and the improved economy brought about the good news. However, many experts warn both sides that if entitlement spending—which makes up two-thirds of the budget—is not curbed, annual deficits will soar to new heights early in the twenty-first century.

THE BATTLE ON CAPITOL HILL BEGINS

On November 8, 1994, the American electorate made history. On that election day, the voters gave control of both houses of Congress to the Republican Party. This was the first time since 1954 that Republicans were going to hold the majority in both the Senate and the House of Representatives. Most of the Republicans elected on that day had campaigned on the issues spelled out in a document called the "Contract with America."

Many Americans said they voted for a Republican candidate on that November day because he or she vowed to eliminate the budget deficit. One of tenets of the "Contract" called for an early vote on a constitutional amendment to balance the budget. Polls showed that the public supported a balanced budget amendment by a 4-to-1 margin. Conversely, those same polls showed that Americans strongly opposed the kind of cuts Congress would have to make to comply with the amendment. A CBS-*New York Times* poll released in December 1994 revealed that 81 percent of Americans favored the amendment, but that support slipped to 30 percent or less when respondents were told that budget cuts in Social Security, Medicare, and education might be required. House Republican leader Dick Armey (R-Tex.) expressed verbally what a lot of members of Congress were thinking to themselves; he said, "The fact of the matter is once members of Congress know exactly, chapter and verse, the pain that the government must live with in order to get to a balanced [budget], their knees will buckle." Democrats in Congress pointed to Representative Armey's comment as proof that members of Congress and the American people should be wary of what they were getting into. It soon became obvious that arriving at a balanced budget plan that the Republican-controlled 104th Congress, the Democratic president, and the public could live with would not be easy.

The House Vote. When the new Congress convened in January 1995, its Republican members voted on the items spelled out in the "Contract with America." One of the first to be considered was the balanced budget amendment. Any proposed amendment to the Constitution requires two-thirds of the members of each house to pass. In other words, 290 representatives and 67 senators must vote yes. And after those hurdles have been cleared, thirty-eight states must then approve the amendment before it becomes part of the Constitution. Despite the formidable task, representatives plowed ahead. After several days of debate on issues such as requiring a three-fifths majority for raising taxes and exempting Social Security from balanced budget requirements, the House voted 300 to 132 to pass the proposed amendment. The final vote marked a major victory for new Speaker of the House Newt Gingrich (R-Ga.), but getting the necessary two-thirds vote was not easy. Republicans had to make some concessions to get seventy-two Democrats to vote yes. However, most political pundits believed that getting the amendment through the House was the easy part. The Senate would be harder to convince and the state legislatures might balk at losing much of the federal money that had been coming their way for years. But happy House Republicans expressed confidence that the vote would give impetus to their goal of balancing the federal budget by 2002 and the years thereafter with or without a constitutional amendment.

Clinton vs. Congress. President Clinton and congressional Democrats found themselves in a difficult position. The Republicans had seized the initiative on the issue, despite the fact that the deficit had decreased every year President Clinton had been in office. He and his party could not be too critical of Republican efforts or they would appear to be opposing the apparently popular plan of balancing the budget. Thus, the Democrats and the president chose to attack congressional Republicans over the programs the majority party wanted to cut and the tax cuts they were promising. The budget fight was beginning to take form.

Close Up Foundation/Renee Bouchard

In 1995, Speaker of the House Newt Gingrich was the leader of the "Republican Revolution." He was responsible for building support in the House of Representatives for items in the "Contract with America." The top legislative priority for congressional Republicans was a balanced budget.

The Senate Vote. Under the bicameral legislative system of the United States, both houses of Congress have to agree on a bill or an amendment before it can move forward. This requirement proved to be the undoing of the balanced budget amendment in early 1995. Democratic opponents of the amendment argued in the Senate that the measure would lead to the looting of the Social Security trust fund and that Medicare would be cut. Thus, senators were getting lots of pressure from home to reject it. When the final vote was taken, fourteen Democrats joined fifty-one Republicans in voting for the measure. Despite intense effort by Majority Leader Bob Dole (R-Kans.) to get the sixty-seven votes he needed, the Senate fell two votes short. Republicans expressed hope that the close vote would allow them to succeed in passing a plan that would balance the budget by 2002 even without a constitutional amendment. In early May, the House and Senate Republicans each unveiled their proposal.

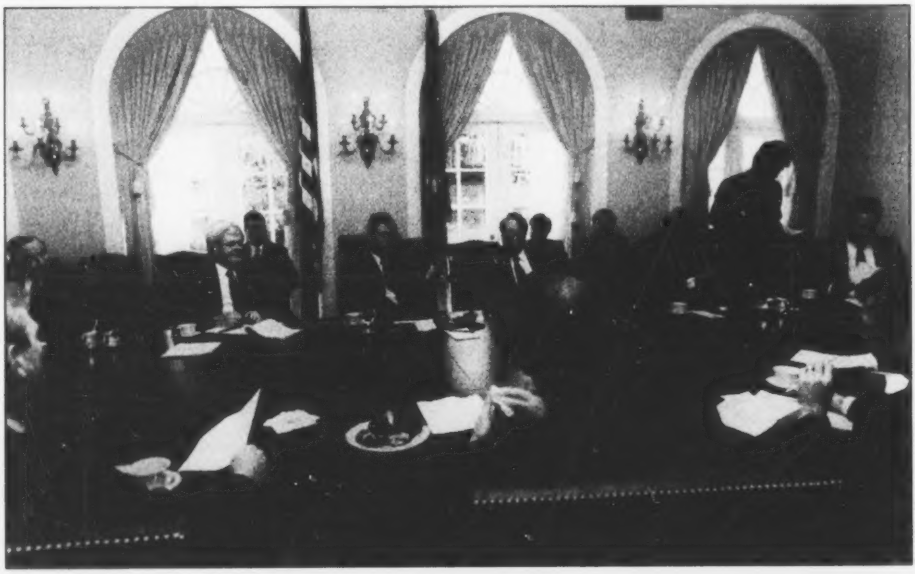
The Republican Plans. When President Clinton sent his FY96 budget to Congress in early February—as he was required by law to do—it was criticized by Republicans in Congress for the size of its projected $200 billion deficit and for its deficit projections for future years. The Republicans said they could do better; they could eliminate the deficit in seven years. Democrats countered by demanding that the Republicans offer their budget proposal and show the American people where cuts would be made to balance the budget by 2002. On May 9, 1995, Senate Republicans did just that. House Republicans followed suit the next day. Although the two budgets had differences, Republicans in both houses expressed confidence that they could iron them out and pass a balanced budget plan.

Both the House and Senate budget resolutions reached zero deficit by 2002 by making about $1 trillion in cuts over seven years. (A resolution differs from a bill in that it does not carry the full force of law, but only sets in motion the effort to come up with an actual bill.) The Republican resolutions found most savings in government health care programs: Medicare and Medicaid. Spending would be from 15 to 18 percent less at the end of seven years than it would have been if the two programs were not altered. Substantial savings would come from reductions in foreign aid and the elimination of the Departments of Commerce, Education, and Energy. The House plan called for a lower cost-of-living adjustment for Social Security recipients beginning in 1999. The House also called for a $360 billion tax cut package while the Senate plan did not include a tax cut.

Democrats in Congress and the Clinton administration found plenty to criticize about the Republican budgets. They said the plans would transform the financially ailing Medicare and Medicaid programs into a "second-class health system" and that poor Americans would end up financing tax cuts for wealthier Americans. But Republicans were quick to point out that all Americans would have to sacrifice and challenged the Democrats and the president to quit frightening older Americans and come up with their own plan to balance the budget.

Both Houses Vote Yes. It did not take long for the Senate and the House to pass their balanced budget resolutions. After a highly partisan debate in which Democrats attempted to soften cuts in Medicare and Medicaid growth and reduce or eliminate tax cuts, the House was the first to pass its plan. The Senate soon followed. The size of tax cuts and deficit reduction marked the biggest differences between the two. The House wanted $353 billion in tax cuts over seven years; the Senate proposed a seven-year tax cut of $170 billion. The House called for slightly more than $1 trillion in deficit reduction; the Senate $961 billion. The two houses would now have to work out their differences and agree to a single plan. Meanwhile the president was under pressure to develop his own long-range plan to balance the budget.

President Clinton Joins the Fray. After the close vote on the balanced budget amendment and the presentation of balanced budget resolutions, it was clear to most observers that the Republican members of Congress had seized the initiative from the president



The White House

Throughout 1995 and early 1996, congressional leaders met with President Bill Clinton and his advisers to try to work out a budget agreement that would be acceptable to both sides. Although an FY96 budget was finally approved, the two sides could not agree on a long-range plan to balance the budget.

on this issue: they were controlling the debate. In response, President Clinton presented his balanced budget plan in June 1995. As expected, his budget differed from the Republicans' plan as to where and how much to cut and the size of a tax reduction. However, the most obvious difference was that President Clinton proposed to balance the budget in ten years rather than seven. The president said, "We shouldn't cut education or Medicare just to make room for a tax cut for people who don't need it. My plan will cut the deficit year after year. It will balance the budget without hurting our future." Congressional Republicans, while disagreeing with many of the specifics in the president's budget, applauded his conversion to balancing the federal budget. Both sides now believed they could reach an agreement.

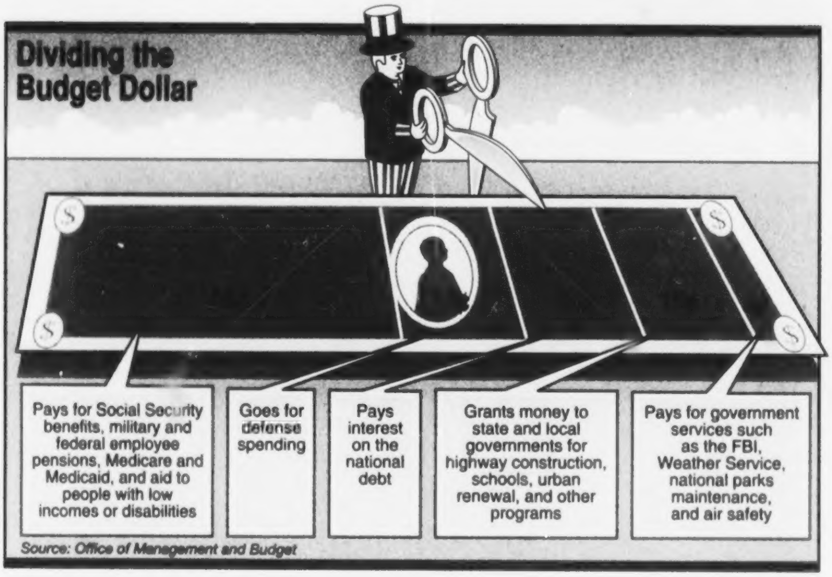
The Resolution Passes. It did not take long for the House and Senate to strike a compromise and pass a final balanced budget resolution. On June 29, 1995, both legislative bodies passed a seven-year budget plan designed to dramatically downsize the federal government, slash taxes, and eliminate the deficit by 2002. The resolution called for $245 billion in tax cuts, reduced growth in Medicare and Medicaid spending, reduced welfare benefits, less foreign aid, and downsizing of government agencies and services. The only increase in overall spending went to defense. House Budget Committee Chairman John Kasich (R-Ohio) said, "Today is a giant step for saving America." President Clinton said of the Republican plan, "I believe that their plan is still too extreme. . . ." But despite his disapproval, the president could not veto it. It was only a resolution laying out the spending limits and a broad outline for major policy changes. Congressional committees now had to turn the outline into legislation which the president would have to sign for it to become law. Michael McCurry, the president's press secretary, predicted a "long, hot summer" of negotiations between Congress and the White House. And with no agreement on the FY96 budget, the prospects of a government shutdown on October 1—when the government would run out of money—seemed more likely.

WAITING FOR THE OTHER SIDE TO BLINK

Nineteen-ninety-five was not the first year in the nation's history that the federal government looked as if it would go past the October 1 start of the fiscal year without having completed a budget. But most other times, when such a situation was about to happen, Congress would pass a continuing resolution to simply raise the debt ceiling and allow the government to continue spending without appropriation—sometimes called spending—bills. Congress needed to approve thirteen spending bills before October 1 to fund the government's operations. But Republicans in Congress also knew that the threat to allow the government to shut down could be used as a bargaining chip with President Clinton to get him to support their seven-year budget balancing plan.

In July 1995, leaders of Congress and the president all anticipated long budget negotiations that were going to extend beyond the beginning of the new fiscal year. Thus, the two sides did agree on a short-term spending compromise that was designed to allow the government to stay open until November 13. At this point, everyone seemed to be looking for a way to keep the budget talks on track and arrive at a final agreement, even if it took an extra month or two.

The New Fiscal Year Comes and Goes. Budget negotiations between congressional Republicans and the White House continued after Congress returned from its summer recess—but with little success. Republican leaders Bob Dole and Newt Gingrich accused the president of not being serious and playing politics with the budget. President Clinton repeated his desire to arrive at a balanced budget plan, but one that did not hurt Medicare, Medicaid, education, and environmental protection. As the November 13 deadline for shutting down the government approached, Speaker Gingrich warned that a yearlong budget stalemate was increasingly likely unless the president agreed to start bargaining in earnest. But the president would not agree to sign the thirteen annual spending bills that Congress was threatening to send to


Dividing the Budget Dollar
Pays for Social Security benefits, military and federal employee pensions, Medicare and Medicaid, and aid to people with low incomes or disabilities
Goes for defense spending
Pays interest on the national debt
Grants money to state and local governments for highway construction, schools, urban renewal, and other programs
Pays for government services such as the FBI, Weather Service, national parks maintenance, and air safety

Source: Office of Management and Budget

him, because he objected to certain parts of them.

Congress Passes a Balanced Budget Bill. Congressional Republicans charged ahead with their balanced budget plan, despite President Clinton's warning that he would veto it. On October 26, by a vote of 227-203, the House of Representatives passed a bill to balance the federal budget in seven years, cut taxes, and make significant changes in Medicare, Medicaid, and welfare. Speaker Gingrich said, "It's the most decisive vote on the direction of government since 1933." The next day, the Senate passed a similar bill. The two houses still needed to work out their differences, but the main challenge was to find some common budgetary ground with the president. He wanted the Republicans to scale back their proposed savings in Medicare and Medicaid and reduce their tax cut. He also called for more spending on education and stiffer environmental regulations. After the bill passed the Senate, President Clinton told Senate Minority Leader Thomas Daschle (D-S.Dak.), "Don't worry, I'm going to veto it anyway."

The Government Closes. On November 14, 1995, the short-term spending resolution expired and the federal government shut down for lack of money. Most federal agencies closed their doors, sending 800,000 federal workers home. Although technically, keeping the government open did not depend on President Clinton's signing of the seven-year balanced budget bill, the two were intertwined. In effect, Congress was daring the president to shut down the government, saying if it did close, it would be the president's fault because he was not serious about cutting the size of government. The president, on the other hand, could let the government close and blame it on the Republicans in Congress who wanted to cut popular programs.

The Government Reopens—For a While. The six-day government shutdown ended on November 20 when the White House and Congress agreed on another temporary spending measure. Each side made concessions. The president accepted the Republicans' goal of balancing the federal budget in seven years while insisting on protections for his priorities in the long term; Congress agreed to provide money to keep the government open through December 15, but refused to extend the federal debt ceiling which would allow the government to borrow money. Both sides claimed victory and Congress went home for its Thanksgiving recess.

Veto and Another Impasse. Upon their return to Washington, members of Congress were greeted by President Clinton's veto of their long-term balanced budget bill. The president criticized the plan's "wrongheaded cuts and misplaced priorities" but expressed a willingness to compromise to balance the budget. Senate Majority Leader Bob Dole, expressing frustration at the president's reluctance to compromise, said, "The veto didn't come as a surprise. . . ." That same day, the president produced his own seven-year plan for balancing the budget. Predictably, his plan and Congress's budget illuminated the old differences regarding tax cuts, Medicare and Medicaid, welfare, education, and environmental protection.

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But Republicans in Congress expressed hope that the plan could be used as a basis for an agreement between the two sides.

Closed Again. Three weeks of budget negotiations between Congress and the White House produced few results; once again the federal government was running out of money. The administration pressed Congress for another stopgap spending bill to keep federal employees on the job, but congressional leaders demanded some progress on budget negotiations in return. No agreement was reached and once again thousands of federal workers were sent home; this time for twenty-one days. However, the second government shutdown did not sit well with the American people. Polls showed that many Americans were fed up and blamed congressional Republicans for the impasse. In response, Senate Majority Leader Robert Dole said, "Enough is enough." On January 2, the Senate voted to reopen the government and Dole urged House Republicans to do the same. Two days later, the House of Representatives abandoned their strategy of trying to force a budget agreement with the president by shutting down the government. Federal workers finally went back to their offices on January 12.

But by this time, many members of Congress and the administration were beginning to hint that compromise resulting in a new budget agreement was not going to happen any time soon. Most of the principal parties were conceding that a long-term budget balancing agreement would not be reached until after the November 1996 elections. In effect they were saying, "Let the voters decide who has the best plan."

Finally, a 1996 Budget. On April 24, 1996—after seven months of stopgap spending measures—the White House and Congress finally approved a budget for FY96, which had begun on October 1, 1995. A $163 billion spending bill completed funding for the federal government. Other spending bills had been sent to the president in previous months for his signature. Of course, both sides claimed victory. Congress cut spending by $23 billion and forced cuts of 10 percent or more in many programs they did not like. President Clinton stood firm on protecting the environment, preserving education, student-loan, and job-training programs.

ALL SMITHSONIAN MUSEUMS ARE CLOSED TODAY

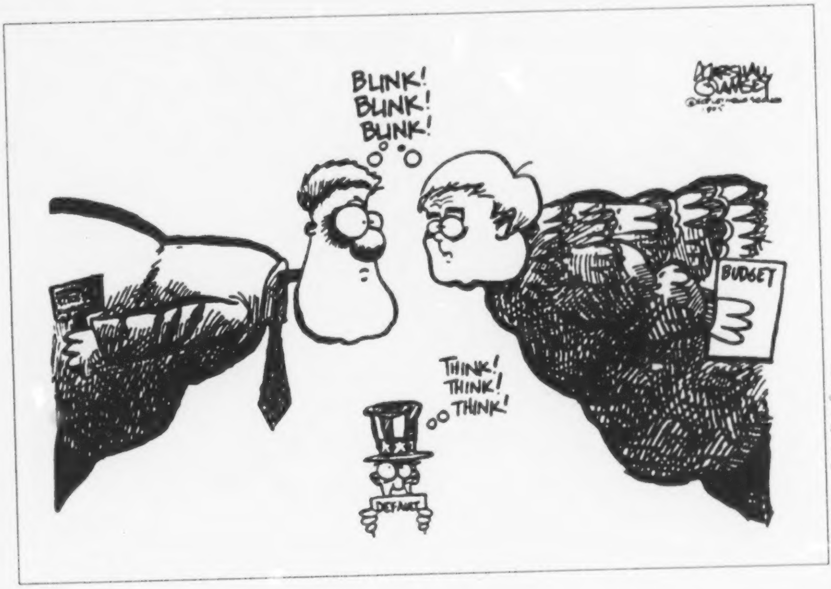
Close Up Foundation/Renee Bouchard

In December 1995, hundreds of thousands of federal employees were sent home because the government ran out of money. Government buildings, national parks, and the Smithsonian Institution (pictured here) were closed to the public. The twenty-one-day-long shutdown in December and January was the longest in the nation's history.

A BATTLE-SCARRED 104TH CONGRESS

When the 104th Congress came back for its second session in January 1996, many members had concluded that this Congress was not going to reach its long-term goal of balancing the budget by 2002. Negotiations with the White House were producing few agreements, polls were showing that the American public blamed congressional Republicans for the stalemate and government shutdown, and the 104th Congress was in danger of being labeled a "do nothing" Congress because little substantive legislation was becoming law. However, the Republicans pointed out that it was they who had aimed the spotlight on deficit reduction and balancing the budget by reducing the cost and size of government, reforming welfare, and so forth. They blamed President Clinton for thwarting their efforts, claiming the only reason he supported balancing the budget was because 1996 was an election year.

After more than a year of its existence, the 104th Congress had seen the passage of a seven-year balanced budget resolution followed by a similar bill, a presidential veto of that bill, two government shutdowns, twelve temporary spending bills, thousands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Marshall Ramsey Copley News Service

of hours of negotiations, hundreds of committee hearings, and a great deal of disappointment and futility. Many of its members claimed to be somewhat battle-scarred and hoped to avoid a repeat of 1995's confrontations with the White House. In the summer of 1996, Republican leaders focused on finishing the thirteen annual spending bills for the coming fiscal year so that members could go home to campaign for the November elections. Congressional Republicans, of course, were hoping to add to their majorities in both houses and elect a Republican president, so that they could finally get their programs passed in the 105th Congress. Democrats, on the other hand, knew that if they could win a majority in the 1996 elections and reelect Bill Clinton, those Republican programs would wither on the vine.

On November 5, 1996, the voters expressed their opinions. Although they elected President Clinton to a second term, voters also chose to keep both houses of Congress in Republican hands. Most political analysts said that the results indicated that the American public in general seemed to like divided government. After the election, the president and Republican congressional leaders declared that they would try to work together.

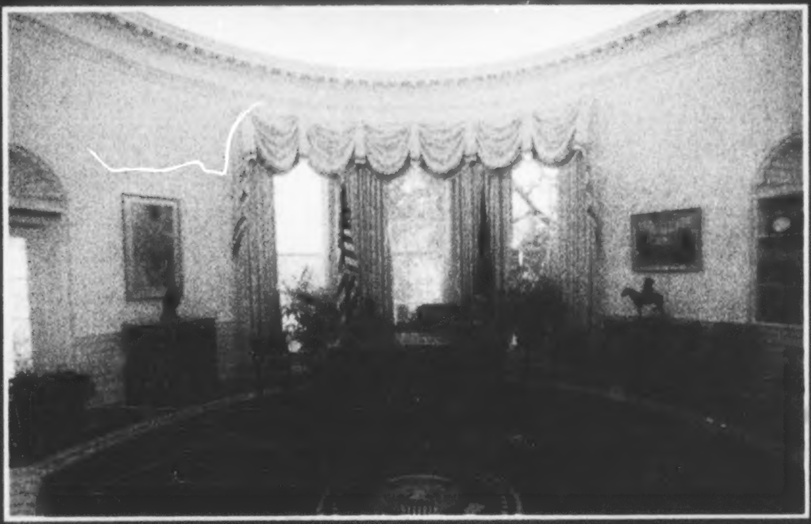
REPRESENTING THE PEOPLE

The budget fight dominated congressional politics in 1995 and early 1996. Many Americans tired of the constant bickering, expressing concern that Congress was neglecting other important issues. Some worried that Congress had become such a highly politicized institution that it could no longer represent the people in the way that the founders had envisioned. Critics of the 104th Congress hoped that the gridlock produced by the budget conflict would not set the tone for future meetings of the nation's highest legislature.

Government watchers and ordinary citizens pointed longingly to past Congresses when Republicans and Democrats would compromise to pass a bill and when the president and congressional leaders, even if they were of opposite parties, could find a way to legislate effectively. But others, including historians and members of Congress themselves, maintain that argument and occasional acrimony is the nature of representative democracy. Gridlock and presidential vetoes and shouting matches have been around since Madison and Jefferson; the years ending the twentieth century will likely be no different.

CHAPTER 3

THE PRESIDENCY



CHAPTER 3

THE PRESIDENCY

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Article II of the Constitution created the executive branch of government, which is headed by the president. The president is the only elected official who represents the nation as a whole, rather than its constituent parts. As such, the president often becomes the focal point for American government, even though federal power is distributed among three branches. The articles in this chapter examine various aspects of the presidency—both the person and the position.

In an exclusive article for Close Up, President Bill Clinton discusses major events in his presidency, important roles of the office, and his relationship with Congress and the media. President Clinton describes how his long career in public life prepared him for the presidency. He also addresses the challenges that America faces, both in foreign and domestic policy.

How presidents work with Congress is crucial to their success in office. The president proposes, but Congress disposes. Senator Thad Cochran of Mississippi points out that the Constitution gives the president and Congress differing, and often conflicting, powers. This "enduring tension," Senator Cochran says, may look like gridlock, but in fact often results in sound policymaking because it encourages the two branches to compromise.

Given the enormous responsibilities, partisan political bickering, and intense glare of the media spotlight that comes with the job of chief executive, many Americans wonder: Why would anyone want to be president? According to Burt Solomon, White House correspondent for *National Journal*, being president has gotten even more difficult over the past couple of decades. The problems facing the country have become more complex and the changing population makes building a national consensus almost impossible. And, Solomon writes, "it isn't likely to get any easier."

CHAPTER 3

Some might say that the only thing more demanding than being president is running for president. Presidential campaigns have gotten longer, more expensive, and maybe even more divisive and negative. In 1995, Senator Richard Lugar of Indiana entered the crowded Republican field of potential nominees with little money and even less name recognition. Senator Lugar explains why he chose to run for president, examining the issues he believed had to be addressed and expressing his disappointment in the process.

While presidents come and go, the media have a permanent encampment at the White House. Helen Thomas, the White House bureau chief for United Press International (UPI), has covered eight presidents since 1960. She knows firsthand that a president gets "the glory and the blame." In her article, Thomas recalls John Kennedy's enthusiasm, Richard Nixon's trip to China, Jimmy Carter's small-town roots, Ronald Reagan's protected image, and Bill Clinton's short presidential "honeymoon."

Many experts believe that the end of the Cold War has diminished the power of the president, resulting in a new era of congressional government. Congress has always been at the center of domestic policy debates, such as the federal budget, social programs, and tax policy. But the 1990s has seen a more assertive Congress in foreign policy as well—much to the chagrin of the president. In 1993, President Clinton fought a heated battle for ratification of the North American Free Trade Agreement (NAFTA). This chapter's case study examines how the president was able to use public relations savvy, the media, and old-fashioned dealmaking and arm-twisting to stitch together a fragile alliance in Congress—one which excluded more than half the members of his own party—to ensure passage of NAFTA.

Regarding the relationship between Congress and the president, Woodrow Wilson argued: "The president is at liberty, both in law and in conscience, to be as big a man as he can. His capacity will set the limit; and if Congress be overborne by him, it will be no fault of the Constitution." Others have disagreed with Wilson, charging that some occupants of the White House have sought to create an "imperial presidency." As Senator Cochran notes in this chapter, the struggle between Congress and the president is a perennial one, likely to continue as long as the Constitution endures.

SEAL OF THE PRESIDENT OF THE UNITED STATES

The White House

The White House

President Bill Clinton

was reelected to a second term in 1996.

CLOSE UP WITH PRESIDENT BILL CLINTON

In this exclusive contribution for Close Up, the president answers questions about his administration and important issues of the day.

You served as governor of Arkansas for twelve years. How did this experience prepare you for the presidency?

There is no job that can really prepare you for the presidency, and the last four years have been extremely challenging and rewarding. But I have had a number of learning experiences in my earlier career in public life which have made a difference. As governor of Arkansas, I fought to enact meaningful education reform to help prepare our children and saw the positive results of that effort. That experience reinforced my belief, as president, that we have to make education a highest priority as a nation.

But both as a governor and as president, I have learned to appreciate how the policies we enact affect the challenges Americans face each every day—whether they will have adequate health care, access to college, and safe communities. Above all, my years in public service have taught me that when the country is divided, we can never move forward, but when we work together, we can pass important legislation.

What do you think is the president's most important role in American government?

Above all else, the American people want a president who lead us into the future: helping people have the tools—not a guarantee, but a chance—to make the most of their lives. The president must always seek a mandate for the vital center in American politics, a center that is about coming together. An essential role the president plays in government is to bring together different voices and help the country move beyond division and resentment to common ground.

When I ran for president four years ago, I believed America deserved a president who would move beyond the gridlock that had plagued our political system for far too long. We needed to focus Washington not on whom to blame, but on what to do to meet our major challenges. It is also the president's job to work to help every American seize the enormous opportunities of this time of possibility. I believe there are four fundamental ways in which we must meet that challenge:

The White House

During his first term in office, President Clinton made fighting crime a top legislative priority. In 1994, he signed anticrime legislation that provided funding to put more policeman on the street, banned nineteen types of assault weapons, and expanded the death penalty to cover more federal crimes. President Clinton says his administration will continue to propose anticrime measures in his second term.

keeping the economy growing, steady, and strong; giving all of our children a world-class education; finishing the job of reforming welfare and making responsibility a way of life; and building safer, stronger families all across America. These are the critical issues for our future and it is the president's job to lead the way.

What have been your greatest accomplishments as president?
When I ran for president in 1992, it was a time of high unemployment, rising crime and welfare rolls, and rising frustration about our ability to meet our basic challenges. I wanted to turn this country around and keep the American dream alive for every person who was willing to work for it. This could be accomplished by restoring America's basic bargain: opportunity for all, responsibility from all, and an American community where everybody has a role to play. We have pursued these objectives by putting our economic house in order, giving families and communities the tools they need to grow healthy and productive citizens, and leading the world in the fight for peace and freedom.

When I was elected four years ago, the American people took me on faith. I promised 8 million new jobs after four years. Four years later, we have almost 11 million new jobs. In 1992, I promised to cut the deficit in half. Today the deficit is more than 60 percent smaller than it was in 1992.

In 1992, I promised to sign the Family and Medical Leave Act. In 1993, I did. Four years later, 12 million workers did not have to choose between their jobs or the health of their families because of this law. In 1992, I promised to enact a plan that will place 100,000 new police on the street and sign an assault weapons ban. Today, 46,000 new police officers have been funded and nineteen of the deadliest assault weapons have been banned.

Over the past four years, we have seen the biggest increase in household incomes in a decade, and the lowest crime rate in a decade. Nearly 2 million fewer people are on welfare. Overall, the U.S. economy is healthier, our families are stronger and safer, and America is still the world's strongest force for peace and freedom. These are the goals we have sought to achieve over the past four years and these will be the same goals my administration will seek to improve on in the next four years.

What do you believe are the three most important domestic issues facing the United States today?
We must make education our highest priority and give our children the education to succeed. I believe every child should be able to read by the third grade, hook up to the Internet by the eighth grade, and enter college by the time he or she is 18. America must continue to reform its schools by setting the highest standards for students, teachers and schools; expanding public school choice; making the first two years of college as universal as high school with a $1,500 tax credit for those years and a $10,000 tax deduction for all college costs.

We also need to finish the job of balancing the budget. A balanced budget is vital to a growing economy. It would lower interest rates on everything from credit card payments to home mortgages to business loans and help the economy create even more good jobs. We need to enact a balanced budget plan that will eliminate the deficit while at the same time protect programs, such as environmental protection and education, that honor our fundamental values as Americans.

Another important domestic issue is improving the security and strength of families. We need to help parents succeed both at home and at work. We should extend the Family Leave Act so parents can take time off from work to attend parent-teacher conferences and take their children to routine medical and dental appointments. We should also expand health care to those between jobs.

Violent crime continues to be a danger to communities across America. I want to finish the job of putting 100,000 new police in America's communities. My administration will continue to target violent teen gangs; encourage curfews, school uniforms, antitruancy policies; and to protect our children from guns, drugs, gangs, and tobacco.

Do you foresee a continued transfer of power from the federal government to state governments? Do you favor or oppose this trend?

I believe it is essential that the federal and state governments work together. I look forward to increasing this partnership. As a former governor, I have strong faith in the ability of local groups to pull together and solve their problems through innovative plans and teamwork. As president I have worked to give local officials the tools they need to strengthen their communities and neighborhoods.

I issued an executive order that prevents any federal official from issuing regulations to state and local governments that amount to what is called an unfunded mandate. With the 1996 welfare reform bill, we gave states the power to turn welfare checks into paychecks and are helping them create jobs that will finally break the cycle of dependency.

There are some things the federal government can do better; there are others that are better left in the hands of state governments. However, if the federal and state governments work together, the innovation of local solutions can continue.

Inter Nationes/dpa

Meeting with foreign leaders is an important role of all presidents. Maintaining good relations with U.S. allies is a top foreign policy priority. At left, President Clinton converses with German Chancellor Helmut Kohl at a NATO summit in 1994.

Since 1995, you have had to work with a Republican-controlled Congress. Overall, how would you assess your relationship with Republican leaders in the House and Senate?

I have a great deal of respect for the Republican leadership in Congress and we have been able to work together on a number of important issues. Together, we ended welfare as we know it, raised the minimum wage, and increased health insurance portability. Of course, there are times when we disagree on small details and fundamental values, but I have worked to move everyone—Democrats and Republicans alike—toward America's vital center.

This country is strongest when it relies on every citizen to listen to every political viewpoint. There will always be differences of emphasis, of priorities, of opinions and beliefs. The important thing is not whether I'm right or my opponents are—the important thing is how we are going to resolve this debate. By keeping in mind the duty we owe the American people, Democrats and Republicans can work together to make this country great.

The post–Cold War world has presented new and difficult challenges for the United States. What role do you see the United States playing in this new era of international relations?

The United States is the indispensable leader in the world. There are times when America, and only America, can make the difference between war and peace, between freedom and repression, between hope and fear. By promoting peace in Bosnia, democracy in Haiti, an end to the nuclear threat in North Korea, and stability for the Mexican economy, America continues to be the world's leader. The United States cannot be the world's policeman, but, where our interests and our values demand it, and where we can make a difference, America must act—and lead.

Overall, the United States has five important foreign policy priorities in the post–Cold War era: strengthening our alliances and leading the fight for freedom and democracy around the world; dramatically reducing the threat of weapons of mass destruction; taking the fight to terrorists, criminals, and drug traffickers; maintaining a strong defense; opening markets abroad to create jobs at home. By following these priorities, America will continue its leadership role across the globe.

The president and the media have always had an important, although sometimes tense, relationship. How would you evaluate your relationship with the print and broadcast media? Have they done a good job covering your presidency?

In this age of thousands of competing outlets and media, you cannot generalize about the press today. On balance, I think the coverage has been remarkably fair and thorough. It is true that the commercial pressures of delivering the news, combined with the strain of responsibility that comes with the freedom that our press enjoys, can lead to friction at times. There are instances when I wish that there was a greater focus on the impact we are having on real people's lives and less on the process of who is "up" and who is "down." Overall, however, the press serves an important function for democracy and our people and, as it draws more and more Americans into the public debate, it is keeping this country vital and strong.

Many Americans today are cynical about government. What can elected leaders do to help restore public faith in government and the political process?

First of all, too many Americans believe that they no longer have a voice in government. It is very important that we work to give our government back to the people so that it serves the national interests, not narrow, special interests. I have tried to accomplish this as president. When I came into office in 1993, I barred my top appointees from lobbying their own agencies for five years after leaving office, and imposed a lifetime ban on their lobbying for foreign governments. The Congress and I also passed the most sweeping lobbying disclosure law in fifty years and legislation that makes Congress live under the same laws it imposes on the American people.

The American people also believe that government is just too big. I am proud of the progress my administration has made in creating a government that works better and costs less. Thanks to the hard work of Vice President Al Gore and the National Performance Review, we have cut the size of the federal workforce by nearly 250,000 to its smallest size in nearly three decades. Again, we have cut the size of the budget deficit by more than 60 percent. And we are saving taxpayers $118 billion by eliminating and reforming hundreds of government programs.

Now we have one more major step to take: campaign finance reform. Elected officials must erase the perception among the public that campaigns are controlled by the wealthy. Elections are too expensive, candidates spend too much time raising money, and special interests do have too much power. But we can change this. As president, I will continue to fight for tough, bipartisan campaign finance reform. The American public has demanded it, they deserve it, and we will get it done.

Politics has become more and more fractured and pluralized. It's exciting in some ways. But as we divide into more and more sharply defined organized groups, as we communicate more and more with people in extreme rhetoric through talk radio, mass mailings, and thirty-second ads designed far more to inflame than to inform, it is difficult to draw the conclusion that our political system is producing the sort of discussion that will give us the kind of results we need. Democracy requires a certain amount of common ground. I don't believe you can solve complex questions at the grassroots level or at a national level or anywhere in between if you have too much extremism of rhetoric and excessive partisanship. Times are changing too fast. We need to keep our eyes open. We need to keep our ears open. We need to be flexible.

Office of Senator Cochran

Senator Thad Cochran

(R-Miss.) has represented Mississippi in the Senate since 1978 and earlier served in the U.S. House of Representatives.

THE PRESIDENT AND CONGRESS: AN ENDURING TENSION

The framers of our Constitution divided power among the legislative, executive, and judicial branches of our government in such a way that cooperation among the branches is necessary for action. The system of separation of powers and checks and balances establishes an enduring tension in our government—especially in the relationship between Congress and the president. The tension between the branches is increased by the fact that the same constitutional framework that requires cooperation among actors also forces them to respond to different political constituencies for varying periods of time: the president to a national electorate, the Senate to the states, and the House of Representatives to individual districts.

The framers established a "balance" between Congress and the president, one that has continually shifted through the years, with one branch expanding its authority in some periods, only to have the other branch reassert itself and move ahead at other times. In the early days, the pendulum swung back and forth between what some observers called "congressional government" and "presidential government." When routine domestic concerns were paramount, Congress tended to run the show, while leadership by the president commanded greater attention and public support in times of extraordinary difficulties. Congress dominated the executive-legislative relationship for most of the nineteenth century, but presidents such as Thomas Jefferson, Andrew Jackson, and Abraham Lincoln enhanced the powers of the presidency through their exceptionally strong leadership.

Periods of "congressional government" were characterized by greater concern for local domestic issues and suspicion of centralized authority. When the country felt "threatened" by problems—real or imagined—and the public placed a premium on efficiency and cohesiveness, activist presidents responded with the centralized leadership of "presidential government."

THE CONGRESSIONAL RESURGENCE

In the twentieth century, from the Great Depression of the 1930s to the upheavals of the 1960s, presidential government was in ascendance. The pendulum of power briefly swung the other way in the late 1960s and early 1970s, when the reliance on presidential power to solve national problems was put to the test by the negative reaction to the Vietnam War. Encouraged by media attacks on the "imperial presidency," Congress attempted to curb the military and diplomatic powers of the presidency, strengthened the oversight of the executive agencies, increased its staff resources, and even forced a president, Richard Nixon, to resign from office.

While the congressional resurgence in the 1970s brought forward new tensions between Congress and the president, there was no restoration of congressional government. It was difficult for Congress to overcome its inherently local orientation and its diverse membership to generate enough popular support to provide policy leadership independently of the president. It was easier for Congress to limit the presidency than to govern on its own.

With the presidency under attack, there was a shortage of national focus and direction in the late 1970s. This produced the popular disenchantment that became known as the "national malaise"—a term coined by the media after President Jimmy Carter, in a televised address to the nation, spoke of America's "crisis of confidence." Although the electorate in 1980 responded to candidate Ronald Reagan's promise to provide strong leadership in the White House, as president he did not attempt to restore presidential government. Despite continual legislative success, deep partisan disagreement over economic issues continued during the two Reagan terms and through George Bush's term. The division between the two branches of government persists today.

When the Democrats won the presidency and kept control of Congress in 1992, some observers thought the rivalry between the two branches would end. This was not to be. President Bill Clinton's 1993 economic package was opposed by many members of his own party, and he had to work with Republicans to win approval for the North American Free Trade Agreement and the General Agreement on Tariffs and Trade. One-party unity at both ends of Pennsylvania Avenue did not produce presidential dominance, and any hope President Clinton may have had for such dominance evaporated in the 1994 Republican capture of both houses of Congress.

"COMPROMISE AND BARTER"

As the United States moves through its third century, we are unlikely to see restoration of either presidential government or congressional government. The uneasy balance between the two branches will persist and the need for presidential-congressional cooperation will continue as the

U.S. House of Representatives

Every January, the president gives the State of the Union address before a joint session of Congress. In the State of the Union, the president tells the Congress and the American people what the administration's economic, social, and foreign policies will be in the upcoming year. The president also speaks before a joint session to introduce new important policy proposals, as President Clinton did in September 1993 when he outlined his plan to reform the nation's health care system.

framers intended. This cooperation will require continual consultation, persuasion, and bargaining. A president cannot command congressional approval of his proposals any more than Congress can direct him in the exercise of his constitutional power. The threat of governmental stalemate is always present and, more often than not, policy is a compromise of presidential and congressional viewpoints.

While it is true that the 435 representatives and 100 senators are two large groups of diverse individuals, we should remember that the White House also reflects diversity of opinion among members of the cabinet and heads of agencies. White House policy results from the same give-and-take among diverse individuals that we often see in Congress. The major difference is that Congress usually struggles with policy in the limelight while the White House often does it, or tries to do it, behind closed doors.

Congress and the presidency will remain vital and coequal branches in our national policymaking process; neither branch ever gets all that it wants, and that is a positive feature of our system of government. Establishing America's public policies calls for leadership from both the White House and Congress. Under the constitutional plan, Congress and the president must govern together, with tolerance, compromise, and, at times, hard bargaining. This may not always "look good" on the evening news, but it is the essence of good government. Criticisms of presidential-congressional "gridlock" are often overblown, and the media tend to blame Congress for problems—such as the 1995–96 shutdowns of the federal government—that in actuality were attributable to *both* the president and Congress.

Critics sometimes portray Congress as a group of naysayers trying to restrict the president's agenda in order to set an agenda of its own. That is a misleading picture. While individual members have various goals, Congress as a whole is not an imperial institution. It knows that it cannot lead the nation as a president can and should. But it also knows that its perspectives are diverse; it represents the same nation that the president represents. As a large group of talented men and women, Congress contributes to the strength and soundness of national policy through deliberation, expertise, and representation of local and regional opinion.

In conclusion, the bottom line is that, whatever pressures and procedures operate at each end of Pennsylvania Avenue, and however deep the rivalry between Congress and the president, a successful president must find support in Congress and Congress must get the president to sign its bills. This is what the framers intended. In their view, the tension between Congress and the president would not *prevent* good public policymaking. It would ensure good public policymaking because it would force compromise—the essential element in constitutional democracy. We need to accept the wisdom of eighteenth-century British statesman Edmund Burke when he said, "All government—indeed, every human benefit and enjoyment, every virtue and every prudent act—is founded on compromise and barter."

Close Up Foundation/Renee Bouchard

Burt Solomon

is White House correspondent for National Journal.

DO WE ASK TOO MUCH OF PRESIDENTS?

Richard Nixon is dead. Jacqueline Kennedy Onassis is dead. George W. Ball is dead. A generation of American leaders is passing as another has arrived. A generation that was forged in the clarity of World War II is being supplanted by one that was molded by the muddled lessons of the war in Vietnam.

Twenty-five years ago, Nixon had just taken office and the world—in many ways—was a harsher but a clearer place. A lot has happened since then. The nation's demographics have shifted, its economic dynamics have been rearranged and its political processes are nastier and less forgiving than they were. The nation has become a harder place to govern than it used to be. It isn't likely to get any easier.

If evidence is needed, consider the string of failed presidents over the past century. Franklin D. Roosevelt, Harry S Truman, and Dwight D. Eisenhower together served seven terms, all told, and by most measures proved successful presidents. It took twice as many presidents to serve out the next seven terms—and that doesn't even count the two since.

Neither the voters nor the historians have been wowed. Only Ronald Reagan, who stuck to his guns and persuaded the public to accept his vision of reality, was permitted to serve out a second term. But historians rank him between Zachary Taylor and John Tyler as a below-average president, according to Tim H. Blessing, a coauthor of *Greatness in the White House: Rating the Presidents From George Washington to Ronald Reagan* (Pennsylvania State University Press, 1994). The five or six presidents who preceded the most recent five or six "will rank much higher in the verdicts of history," retired Williams College professor James M. Burns, a noted political historian, predicted.

This isn't the first time the country has suffered a run of mediocre presidents. From the 1840s to the 1890s, only Abraham Lincoln was an obvious success. And even he had "the good luck to get himself shot," Blessing said in an interview. "The problem of reconstruction was probably unresolvable."

WHEN TALENT IS NOT ENOUGH

One school of thought is that America has encountered a run of bad luck. "Basically coincidence," Everett Carll Ladd, the president of the Roper Center for Public Opinion Research Inc. at the University of Connecticut, said of the succession of presidents

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Gerald Ford Library

The White House

David Valdez/The White House

Three recent presidents—Gerald Ford, Jimmy Carter, and George Bush—were voted out of office. President Ford (far left) unsuccessfully sought his first full term after succeeding President Richard Nixon, who resigned in 1974. President Carter (center), seeking reelection in 1980, was weakened by high inflation and the Iran hostage crisis. George Bush (far right) failed to win another term in 1992 because of the weak U.S. economy.

who've been found wanting. He portrayed Nixon as psychologically unsuited, Gerald Ford as an accident, Jimmy Carter as untested, George Bush as inattentive to the public's economic anxieties, and Bill Clinton as "poorly situated" because of deficiencies in character.

But more likely, the problem hasn't been them so much as us. The particulars of the individuals who've entered the White House have paled beside the increasing demands that the public has piled on them. Problems are expected to be solved overnight. Stephen J. Wayne, a presidential scholar at Georgetown University, reasoned that the complexity of government, along with the recognition that certain problems are too big not to have government involvement, have combined to push more and more of the nation's troubles onto the president's desk.

Recent presidents, by and large, have been politically and intellectually talented men. But that isn't enough anymore. "Flexible, pragmatic, capable of compromise—also firm, decisive and principled," Hedley Donovan, who'd been a White House counselor to Carter, wrote in 1982, listing thirty-one attributes that a president needs. "To be a good president in the 1980s," he wrote, "may be even harder than to be a 'great' president in the days of Antietam and Pearl Harbor."

And the criteria by which presidents are judged—and damned—keep proliferating. Presidents must also be telegenically talented, delicately balanced in personality, and pristine in private life. Thomas Jefferson, with his squeaky voice and deist beliefs, probably couldn't succeed in politics now. Lincoln, so prone to melancholia that he supposedly wouldn't carry a penknife, might not be trusted with his finger on the button. The wealthy FDR might be prey to a nanny problem.

More than ever, interest groups want what they want and will fight to get it, meaning that a president must mobilize unwieldy coalitions to get things done. This political task has been made harder by the social fragmentation that has turned communities with common interests—in the United States, as in the rest of the world—into competing enclaves. The political parties, internally torn, are unreliable as sources of support for an embattled president. James David Barbour of Duke University, a specialist on the presidency, noted that a president faces so many different pressures nowadays that he can't satisfy them all.

TRYING TIMES

A lot else about the times has conspired to ruin presidency after presidency. Recent presidents haven't been fortunate in the nature of the national afflictions they've faced. They may not be as critical as a war or an economic depression. But that only deprives the president of the extra authority and moral certitude that urgency brings.

At best, technology has proved to be a mixed political blessing. Television, on balance, has probably bolstered presidential power. (It did for Reagan.) But having so much of what the president says stored on tape—audio or video—contributed to Nixon's downfall and has undermined his successor's chances of denying their promises and screwups. Since the Watergate scandal, when investigative reporters became the journalistic elite, the press has been prone to build up presidents and then tear them down—a good story both times.

The advent of the media age has also turned the president into a celebrity. Stardom is tempting to the president, especially one who feels underappreciated—that is, all of them. But it's dangerous. By making presidents so familiar, television has helped to relieve the office of its mystique. Had the public known that FDR was crippled, it would have "made him a less dramatic figure," A. James Reichley, the author of a recent book on political parties, said.

Presidents have ushered the process along. Carter carried his own garment bag as part of his political strategy in response to Nixon's imperial pretensions. Ford toasted English muffins. Clinton, with his penchant for Big Macs and his willingness to describe his underwear, has further shrunken the president into Everyman. No longer do presidents grow to fit the job; they've started to seem smaller than life just as the electorate's standards have inflated.

It's no wonder that the distrust of government—and of all institutions—has climbed so much. Candidates promise more and more to get elected and seem like hypocrites all the faster when they don't deliver. The pessimism of an increasingly cynical electorate has become self-fulfilling. "If people expect a one-term president," Burns said, "the prospect of presidential authority evaporates."

The White House

In 1996, Bill Clinton became the first Democratic president to win reelection since Franklin D. Roosevelt in 1944. However, many experts believe that presidents have an even more difficult time governing in their second term than they had in their first.

There's precious little reason to think that these dynamics will turn around anytime soon. Expectations that the White House should try to fix whatever ails the nation aren't likely to diminish much, if at all. The public's titillation with the president's personal life and its eagerness to cast judgment aren't likely to fade. The conundrums that the country faces at home and abroad aren't about to get any simpler or more susceptible to being managed one at a time. A long period of prosperity might suffice to prompt voters to ease up on their leaders, but that won't happen in a hurry.

Neither Clinton nor his successors during the next quarter-century, that is, have any reason to expect an easy time of it. Their surest hope for success may depend on the problems they face getting worse. That way, at least, they might be given a shovel worthy of the hole they're in. History shows that it takes a great crisis, after all, to make a great leader..

Office of Senator Lugar

Senator Richard Lugar

(R-Ind.) ran for the Republican presidential nomination in 1996.

THE QUEST FOR THE PRESIDENCY

Why did I run for president? Why did I launch what seems in hindsight to have been a doomed candidacy? After all, I was happy being a United States senator with virtually unlimited access to information and people, and with the ability to affect decisions.

But the election of Bill Clinton in 1992 rearranged the political calculations of many people, including me. It also changed the working relationships that had been forged between the president and congressional leaders, particularly in foreign policy. President Clinton deemphasized foreign policy in 1993 to a degree that would have been unimaginable in previous years.

And it wasn't just foreign affairs. In my Senate reelection campaign in 1994, I was troubled by the talk I heard again and again from families at McDonald's restaurants and elsewhere, all making much the same point: Both husband and wife were working, and yet they felt as if they were on a treadmill, never getting ahead. They were increasingly anxious about paying for their children's education and saving for their retirement. They wanted to know what I was going to do about all this.

TAKING THE PLUNGE

After I won my '94 race, there was a poll by an Indiana station showing I would beat President Clinton by twenty points in the state. I had, some time before, laid aside a letter sent by the New Hampshire Republican State Committee to potential candidates for the nomination in 1996, asking them to speak at a fundraising dinner on February 19, 1995, a full year before the primary.

My wife, Char, and I talked about it a lot during a postelection vacation. I knew she thought I should run. Our family discussed the idea throughout the holiday season. Two of our sons, Mark and David, were enthusiastic about participating in a campaign. I accepted the February 19 date in Manchester.

Why? First, I knew that this was the best time in my life to make such a race: I was in good health, well-experienced and undergirded by family strength and support.

Second, although Senator Phil Gramm of Texas had frequently asserted that $25 million was the entry fee for a successful nomination quest, I thought that much less would do it.

Third, while Bob Dole's candidacy looked formidable by any measure, I did not think he would go the route. I believed his majority leadership in the Senate was incompatible with a full year of presidential campaigning before the New Hampshire primary.

Fourth, although my name recognition was low in most states outside Indiana, I remembered bursts of national media coverage that had brought serious candidacies to the attention of voters in past primary seasons. I assumed that the national media would agree that I was a credible contender, and would assess my plans for the country with comprehensive and careful scrutiny.

Finally, it seemed to me that none of the potential Republican candidates had developed a strong message. Though each expressed a ritual hostility to the federal government, none offered a plan that would bring dynamic economic growth and thus restore the American dream to those young couples I had encountered at McDonald's.

Moreover, the other candidates seemed to know little, or even to care much, about foreign policy. They expressed little or no interest in discussing America's role in the world or the remarkable opportunities to build peace and prosperity for future generations.

As it turned out, some of my working assumptions were correct and some were not.

It soon became apparent that the $5 million I raised (plus $2.5 million of federal matching funds) was not enough to fuel a successful national race—with or without the much-touted "fire in the belly." I learned that a candidate must either have a personal fortune or engage in years of preparation, including direct mail organization and countless state-by-state, industry-by-industry contacts.

And despite my predictions, Bob Dole continued to serve throughout 1995 and early 1996 as a successful majority leader, drawing daily national television and press attention to his activities and eclipsing similar attention for his rivals. He had the best fundraising capacity, the most comprehensive contacts, and the strongest organization in almost every state.

Most important, though: I discovered to my dismay that, when it comes to important ideas, a presidential campaign is a wasteland.

TALKING ABOUT SERIOUS ISSUES

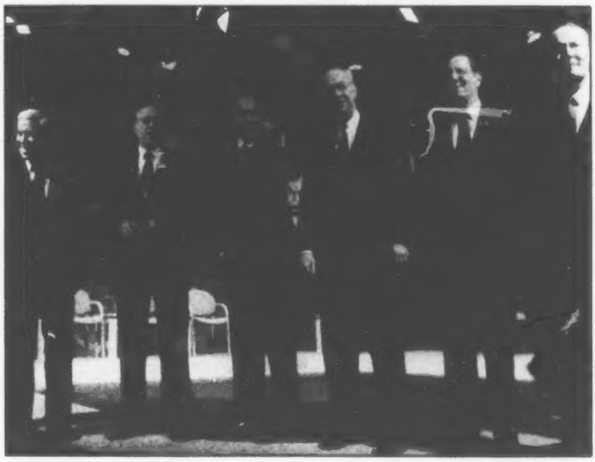
I argued in my campaign for major initiatives to achieve economic growth and ensure American security. As president, I could have done much to advance these ideas.

I called for fundamental tax reform as a necessity for achieving economic growth. This portion of my campaign was usually summarily noted by observing that I favored ending income taxes and abolishing the Internal Revenue Service. Because the bit about the IRS was one of too few good applause lines I had, the press suggested that I had cynically added it on to touch up a dull campaign. If I was really serious, they added, my proposal for a national sales tax was regressive and unfair to poor people, and the chances of its becoming law were nil. But in general, that didn't matter, because political writers never assumed I was serious about it.

Pat Buchanan spoke about workers who were deeply discouraged. His suggested remedies included ending immigration for five years, placing a 40 percent tariff on Japanese imports, and scrapping the GATT and NAFTA treaties. These proposals were never accepted by the media, but they were reported in great detail. Steve Forbes entered the race in the fall and ran millions of dollars worth of television ads advocating a flat tax proposal. This, too, was treated as a flawed policy by the media—but at least it was reported.

As a former mayor, I am familiar with the problems of crime, welfare, and health care, as well as moral issues such as abortion, marriage and divorce, and successful parenting. These are important issues and deserve the attention of each of us as citizens and leaders.

But the president of the United States has unique responsibilities as commander in chief of our armed forces and leader of our nation's foreign policy. During the primary campaign season, I spoke often and in detail about the necessity of American leadership in Europe, especially with regard to the missions and membership of NATO; about this country's essential role in creating security arrangements in Asia; and also in helping to protect and expand democracy in the Western Hemisphere.



The Republican candidates gather for a televised debate in Manchester, New Hampshire, in February 1996. From left: Richard Lugar, Morry Taylor, Bob Dole, Phil Gramm, Steve Forbes, and Lamar Alexander.

AP/Wide World Photos

I talked of the great opportunity at hand to work with friends in Africa in coming years.

On all these issues, and on other foreign policy initiatives I promised to undertake as president, I expected to have my proposals subjected to tough scrutiny and skepticism, primarily on grounds of their efficacy and expense. But in a year of presidential campaigning, I had no need to fear or even expect challenge. Virtually everything I suggested in regard to defense, foreign policy, or presidential leadership was ignored by my rivals and by most potential voters.

Some press comments acknowledged that foreign policy was an area of some achievement for me personally, but ignored whether any of it was actually important for the country or even for their own personal safety as Americans. Journalists concluded that my references to foreign policy were more a personal idiosyncrasy than a legitimate, even important, aspect of a presidential campaign.

I took other positions that were unconventional among the candidates for the Republican nomination. I spoke about the importance of the Clean Air Act, the Clean Water Act, and the Conservation Reserve Program in the farm bill. I think the Republican Party has to continue to offer strong environmental and conservation leadership. Likewise, I argued for a ban on assault weapons, for which I see no legitimate social purpose. I argued for the importance of the federal school lunch program and a nutrition safety net for all Americans.

Even in relative obscurity (toward the end, a pundit referred to my campaign as "Dead Man Walking"), I still retained a chance to win the nomination and the general election if Senator Dole left the field. Other candidates, taken more seriously by apparently knowledgeable journalists and politicians alike, had absolutely no chance of ever winning either the nomination or the general election.

Through it all, veteran political reporters never faltered in describing charisma, vision, and sometimes money as the factors to watch in handicapping the outcome. Of these three, only money was really a factor. The ability to discern issues of genuine importance to America, the ability to serve as commander in chief and as chief executive of a large and complex federal government, even the ability to win a general election: these matters received only modest attention from the press.

When asked if I am relieved that the campaign is over, I respond that I'm genuinely sorry my candidacy is not still alive. I'd have preferred to continue to give voice to the issues of economic growth and world leadership that I believe are so pressing for America. I would by far have preferred to continue to meet Americans in the often tumultuous but always fascinating events and forums of a presidential campaign.

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Close Up Foundation/[illegible] Bouchard

Helen Thomas

is the White House bureau chief for United Press International (UPI). She has covered eight presidents since 1960, the longest unbroken White House assignment of any journalist.

THE BEST BEAT IN THE WORLD

The White House is the very best beat in the world for a reporter. Somehow, some way, everything that affects the country and the world seems to land in the Oval Office, no matter who the president or what his or her political party.

Of course, the job has always been held by men, but that may not always be so in the future. Personally, I've always believed that every little girl could grow up to be president.

Through the years I have learned that there is no such thing as an instant president. It takes on-the-job training, personified by blood, sweat, and tears.

A newly inaugurated president is always given a honeymoon by the public and the press. Until he or she settles into the White House and gets acclimated to life in the official fishbowl, there is a temporary reprieve from the slings and arrows bound to be aimed at him or her.

Depending on their popularity and the initial moves they make, presidents can have a long honeymoon or a very brief one. In the case of Presidents Ronald Reagan and George Bush, the honeymoons were long, and they both basked in the sunlight of high popularity ratings in the polls. President Bill Clinton probably had the shortest honeymoon on record, and it was not long before he was targeted for heavy criticism.

Reporters give presidents some running room, and then it's time for "gloves off." But then presidents are pros enough to know that they get the glory and the blame in the highest office in the land.

Every president I have covered has wanted to go down in the pages of history for greatness, but greatness demands a profile in courage and often a president cannot rise to the occasion. History is sometimes not too forgiving a judge. On the other hand, for many presidents, time has mellowed the perception of their administrations, and they have fared better than they did under contemporary judgment.

Credibility is an absolute requirement for a good president, for above all he or she must be believed in order to persuade, convince, and govern. Accountability is another matter that is the *sine qua non* of holding public office, especially the presidency. It means that a president must be able to explain and defend his or her policies and actions. And that is where the presidential news conference comes in, because it is the only forum in American society where a president can be questioned on a regular basis.

Presidents fare better when they have goals, dedication, and a philosophy that defines them to the nation. The goals hopefully will be for the betterment of humankind. After all, a president is a public servant, the employee of you and me, irreverent as that may sound. It is his or her job to serve the people and to put the people first.

There are many instances in history when a president has had to change his mind and erase past positions for the good of the nation. When President Lyndon Johnson pushed for revolutionary civil rights and voting rights legislation to cover all the nation's citizens, particularly the disenfranchised blacks, his southern colleagues demanded an explanation. They got it. "I'm president of all the people now," Johnson told them.

Presidents must lead, but they must also follow, or they lose the people. They must make momentous decisions in war and peace. It can only be with trepidation that they assume the mantle of the presidency.

I have many memories of the presidents I have covered.

The first president I covered on a day in, day out basis, for what seemed sometimes like eight days a week because of his energy and enthusiasm for the job, was John Kennedy. He was inspired, and loved to tell young people his definition of happiness taken from the Greeks: "the fullest use of one's abilities along lines of excellence."

Kennedy was warm and witty. His news conferences became the best show in town. He died tragically, and the world wept. Reporters were crying as they filed their stories. He set a goal to land on the moon. We did it, but he never lived to see it.

Lyndon Johnson had a love/hate relationship with the press. He often put me in the deep freeze when I would write stories he did not like. But Johnson often invited us to the LBJ ranch in Texas. We would ride in his limousine and take long walks with him. He was accessible and was a spellbinder in the storytelling department.

Johnson was also the best political campaigner I have ever covered: We would go fourteen hours a day, six stops in a day, ending at midnight. Johnson would be hoarse from speaking into a bullhorn all day on the campaign trail.

Richard Nixon was very uncomfortable with reporters. The greatest story with Nixon before the Watergate scandal, of course, was when he decided to make the breakthrough trip to China in 1972.

All the reporters wanted to go, but only a limited number could do so. I was among the lucky few who made that trip. It was like landing on the moon, and we wrote stories for eight days straight. Everything we saw was a story because everything was new to a world that was not familiar with communist China. It had been cut off from the Western world for some twenty years.

Gerald Ford was easy to cover. He was friendly and liked reporters.

UPI/Corbis-Bettmann

THE WHITE HOUSE
WASHINGTON

Paul Alers

Helen Thomas has covered eight presidents for United Press International. At left, Thomas stands next to President John Kennedy in 1963 to get a closer look at his press statement. Right, President Clinton helps Helen Thomas celebrate her 75th birthday in 1996.

He would go to Vail, Colorado, every Christmas with his family, and the press corps would go along. Ford only had two years in the White House, but he gave it his best shot.

Jimmy Carter was more reclusive. But we did spend a lot of time in Plains, Georgia, his hometown—a village, really. And we got to know everyone on Main Street and all of his family as well. Carter would drop in on all the stores in town on a Saturday morning, and we would trail along, falling all over each other. It's always good to see a president go back to his roots to see what makes him tick.

Ronald Reagan was totally protected. Although he had a great sense of humor, he was much more difficult to get to know because his imagemakers did not want reporters to get close to him. Reagan—more than anyone else—made the public more conservative and less caring about their fellow human beings.

George Bush was friendlier, and a real jock. He loved all sports—golfing, boating, fishing. And he had more news conferences than any recent predecessor. He was easy to talk to and knew the reporters by their first names. He often invited reporters to go jogging with him. He knew better than to ask me.

Bill Clinton came into office in 1993 on a wave of optimism and promise of change. However, he stumbled very early in his administration. His advisers took a very confrontational attitude toward the press and the resulting coverage was very negative during his first year in office. However, during the second half of his first term, relations with the press improved and that helped his presidency. Like Lyndon Johnson, Clinton is a very smart politician and never really stopped campaigning for a second term.

For its more than 200 years of history and forty-two presidents, the nation has been blessed. The democratic system works with all its flaws. Winston Churchill said that democracy is the worst form of government except for all the others that have been invented. A good president remembers that.

CASE STUDY

The Presidency

PRESIDENT CLINTON AND THE NORTH AMERICAN FREE TRADE AGREEMENT

by Tim Walker

In January 1993, Bill Clinton was inaugurated as the forty-second president of the United States. Many Americans had high hopes for the first Democratic administration in twelve years. Clinton campaigned in 1992 promising "change" and an end to "business as usual" in Washington. However, because the 1992 presidential contest was a three-man race, he was elected with only 43 percent of the vote. With about 57 percent of the electorate preferring either George Bush or Ross Perot, President Clinton's legislative agenda did not have a clear mandate from the American people. Therefore, the country was watching to see if the young, new president could establish leadership, govern the country, and accomplish his legislative goals.

The White House

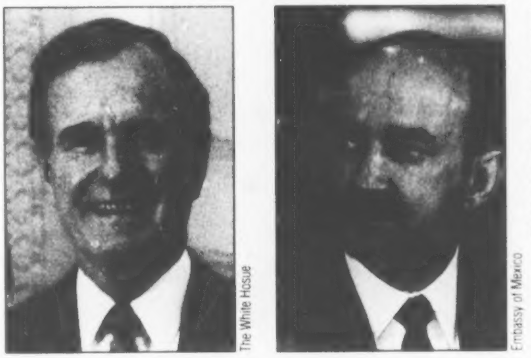
Most political observers would agree that during the first six months of 1993 the Clinton presidency sailed on rough waters. Controversies over the question of homosexuals in the military, mishandled nominations for cabinet posts, emerging scandals, and legislative defeats had the new administration reeling. Many Americans wondered: What was going wrong at the White House? Why was the new president unable to unite his own party behind his agenda? In short, was Bill Clinton up to the job?

Wanting to turn things around, the White House looked for an issue that would establish President Clinton's leadership and provide him with new momentum going into 1994. They found that issue with the North American Free Trade Agreement (NAFTA).

In the fall of 1993, Bill Clinton took up the cause of the free trade agreement against the wishes of many in his own party. Many Democratic members of Congress, usually allies of President Clinton, campaigned against the agreement and almost handed the president an embarrassing legislative defeat. He fought for congressional approval with a determination and resolve many had previously doubted he possessed. Facing an uphill battle, the president used many of the powers of his office to win over opponents and push the agreement through both houses of Congress.

PRESIDENTIAL POWERS

The U.S. Constitution is based on the principles of separation of powers between the three branches of government: executive, legislative, and judicial. The intention of the framers



The White Hosue

Embassy of Mexico

The North American Free Trade Agreement was born out of negotiations between President George Bush and President Carlos Salinas of Mexico. Both leaders believed that a free-trade agreement between their two countries and Canada would benefit the region's economy.

of the Constitution was to ensure that each branch could "check" the power of the others. The president of the United States and the U.S. Congress, in particular, have a long, contentious history of struggling for dominance over public policy. While the president has generally been able to set the agenda for foreign policy, Congress, due in large part to its "power of the purse" (the authority over how taxpayer money is spent), often has the upper hand in domestic policy.

However, despite the constitutional powers granted to Congress, the president is often able to compensate for this disadvantage with other powers that are not mentioned in the Constitution—powers so important that he can frequently put enough pressure on members of Congress to see things his way.

Prominent among these is using the "bully pulpit"—a phrase coined by President Theodore Roosevelt referring to the power to persuade and mobilize the people to support the president's policies. No other elected official gets as much attention from the media and the public as the chief executive of the United States. Any new proposal or overseas trip is bound to be reported on the evening news and in the daily newspaper. Just as important, officials in the administration usually speak with a unified voice. Congress, on the other hand, has 535 members—435 representatives and 100 senators—all with varying opinions. Many experts say that the president, particularly in foreign policy, should be the leader because it is essential that the United States be seen as a unified country and that a body made up of 535 people simply cannot fill that order.

Economic Powers. The Constitution gives Congress the power "to regulate Commerce with foreign nations." Thus, the rules governing foreign trade are set by legislation passed by Congress. However, in 1934, as the United States was struggling through the Great Depression, Congress granted President Franklin Roosevelt broad trade powers so he could negotiate tariff reductions with other countries in hopes of rebuilding the economy.

As nations of the world became increasingly interdependent in the second half of the twentieth century, the economic powers of the chief executive—particularly those related to international trade—increased. High volumes of trade and integrated markets are the cornerstone of the global economy. If other countries, particularly trading partners of the United States, are ailing economically, the American economy can be adversely affected as well. Weak economies overseas dampen foreign demand for U.S. goods and services.

NAFTA AND THE CONTROVERSY OVER TRADE

From World War II to the 1980s, trade generated little if any controversy in the United States. The American economy was the strongest in the world. In addition, the United States had trade surpluses with other nations—that is, it exported more goods and services than it imported.

However, during the 1980s, a trade deficit emerged, reaching $150 billion by 1988. In 1990, the U.S. economy slipped into recession. Although the downturn ended a year later, economic growth and job creation remained sluggish at best. Many Americans began to question the wisdom of open trade and blamed the weak economy on what they saw as unfair trading practices on the part of some U.S. trade partners. Some called for protectionist measures to shield certain U.S. industries from foreign competition.

However, others still saw expanded trade as the key to economic prosperity at home and abroad. They believed that building a protectionist wall around the United States would doom the nation's economy in the long run.

NAFTA Is Born. In 1990, President Carlos Salinas de Gortari of Mexico approached the Bush administration about negotiating a free-trade agreement between their two countries and Canada. Mexico, a developing economy, had made considerable progress with its free-market economic reforms, impressing many in the U.S. government. President Salinas believed that a freer trading relationship with its neighbors to the north would further improve Mexico's economy. President George Bush liked the idea. Aside from believing in free trade, he also thought that the prospect of a North American trading bloc would catch the attention of U.S. allies in Europe and Asia. Trade talks with those nations had been logjammed; maybe this development would break it.

In the summer of 1992, President Bush, President Salinas, and Canadian Prime Minister Brian Mulroney signed the North American Free Trade Agreement (NAFTA). Due to go into effect on January 1, 1994, the accord eliminated tariffs on roughly 9,000 categories of goods produced and sold in North America, increased cross border investment opportunities, and set up a mechanism to resolve trade disputes between the member nations. All parties hailed the accord as a key to prosperity throughout the North American continent. Many Americans, however, were not so sure.

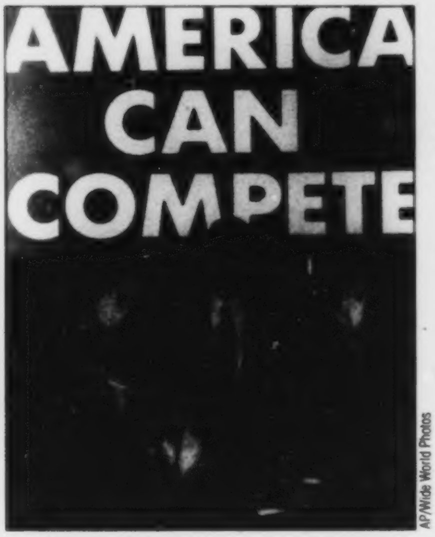
The Controversy. That the United States would want to trade more freely with Canada was not a cause of concern among Americans; Canada had long been an important U.S. trading partner. Canada and the United States both have heavily industrialized economies with relatively low unemployment and high wages. The controversy that erupted over NAFTA was over the inclusion of Mexico in the trade agreement, a less developed country with low environmental and wage standards.

Many critics were worried that NAFTA would encourage many U.S. companies to move to Mexico to take advantage of low wages, leaving American workers behind and without jobs. Certain industries would be hit the hardest. Opponents said that there were more than 7 million vulnerable manufacturing jobs in the textile and auto industries located in the South and Midwest regions of the United States. In addition, some believed that Mexicans were for the most part too poor to purchase imported U.S. goods. Many also feared that NAFTA would lead to more environmental degradation along the U.S.-Mexican border.

Proponents of the accord hailed it as a bold step to open new markets for the United States. Mexico was a burgeoning economy with a population of more than 80 million people—a potentially huge market for American goods. Supporters also argued that, as the economy improved in Mexico, illegal immigration to the United States would be reduced. They maintained that while certain U.S. industries would indeed be hit with job losses, the overall job gains as a result of the agreement would more than compensate.

Reuters/Bettmann

Workers in Mexico earn much less money than do workers in the United States. Many Americans worried that NAFTA would encourage U.S. companies to move their factories to Mexico, taking thousands of jobs with them.



AP/Wide World Photos

In 1993, President Clinton, against the advice of some of his advisers, decided to campaign hard for NAFTA's approval in Congress. The president believed that the United States had to lead the effort to open up trade markets worldwide.

However, arguments over the details of the North American Free Trade Agreement disguised what many believe the debate was *really* about. The passionate opposition to the agreement reflected the deep anxiety millions of Americans felt about their economic future, particularly in the wake of the 1990–91 recession. Confidence in the economy was low, and a majority of the public thought that the United States was "on the wrong track." Many Americans believed that trade agreements would end up harming the U.S. economy. NAFTA was a symbol of economic anxiety and uncertainty.

Others saw the debate over NAFTA as a litmus test of U.S. leadership. Many believed that if Congress rejected NAFTA, it would send a signal to U.S. allies that the country was turning inward, becoming more isolationist. On the other hand, approving NAFTA would be a declaration that the United States was confident and ready to compete in the global economy of the twenty-first century.

There were big issues at stake with the fate of the North American Free Trade Agreement. President Bush was planning on lobbying for congressional approval in his second term. But Bill Clinton's election victory in November 1992 changed all that. Suddenly, NAFTA became Clinton's issue.

THE "NEW DEMOCRAT"

During the 1992 presidential campaign, the top issue on the minds of most Americans was the economy, inspiring the Clinton campaign's slogan, "It's the economy, stupid." Arkansas governor and Democratic Party candidate Bill Clinton criticized George Bush's economic record on taxes, the budget deficit, and investment. However, one of President Bush's more recent accomplishments—the North American Free Trade Agreement—did not come under attack from Governor Clinton.

Free trade was one of the issues the challenger chose to help establish himself as a "New Democrat." A "New Democrat" did not favor activist government as enthusiastically as a traditional liberal Democrat, particularly on economic issues. This new kind of Democrat instead placed more faith in the free market. Free trade—the unrestricted flow of goods and services—was a hallmark of a free-market economy. Clinton praised the principle of free trade and denounced protectionism. Still, to win in November, the candidate had to secure the support of traditional Democratic constituencies, notably organized labor. Many of his political advisers, including Paul Begala and George Stephanopolous, urged candidate Clinton to oppose NAFTA. They said it was an issue that was supported only by Republican lawmakers and big business and counseled Clinton to forget the pact and focus on the concerns of the middle class, such as health care reform.

About three months before the election, Governor Clinton quietly declared his general support for the North American Free Trade Agreement—but not unconditionally. He said that side agreements protecting labor and the environment would have to be negotiated with Mexico and Canada before he would support it wholeheartedly as president.

"We're Going Ahead with NAFTA." Candidate Bill Clinton's lukewarm support for the free-trade agreement did not hurt his relationship with labor and the environmentalists. There was a perception among many Democrats that Clinton supported NAFTA purely for political reasons and would not fight for it as president.

Indeed, when Bill Clinton became president in January 1993, NAFTA was not a priority. For the first six months of 1993, the White House focused its efforts on two major bills: a $30 billion "economic stimulus" package and a $500 billion deficit reduction plan. The stimulus bill was defeated by a Republican-led filibuster, but the deficit reduction package passed the House and Senate. However, the margin of victory was closer than it should have been, given the majority Democrats had in both houses of Congress. The close vote signaled that the new president's agenda was not going to get the automatic stamp of approval from the Democratic Congress. The next item on the Clinton agenda was what the administration planned as its crowning achievement: health care reform.

However, the bruising battle over the budget and the economic stimulus bills and additional embarrassments over political appointees damaged the president politically. His approval rating fell below 50 percent—unusually low for a president in his first year in office. He needed a big victory to reclaim momentum heading into 1994 and what was sure to be a contentious debate over health care.

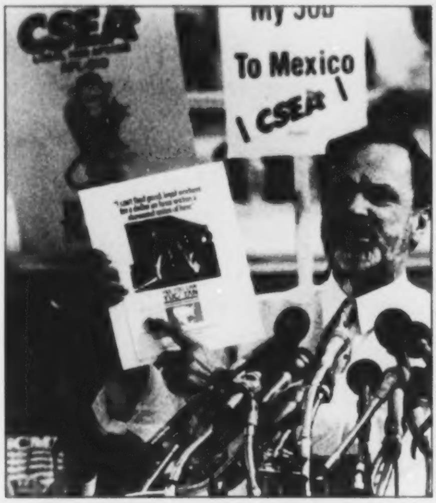
President Clinton believed that NAFTA could give him that victory and decided to fight for its approval. "We're going ahead with NAFTA," he announced at a domestic policy meeting. However, many advisers, including First Lady Hillary Rodham Clinton, said that lobbying for congressional approval of the pact would anger key constituencies whose support would be vital to a successful health care reform campaign. Others agreed with the president's decision, arguing that a fight over NAFTA was winnable and would establish him as a "New Democrat"—one who had particular convictions and was willing to fight for them. In addition, standing up to interest groups in his own party would cast him in a new and favorable light in the eyes of many Americans. Most important, Clinton told advisers, NAFTA was something he strongly believed in. Despite the challenge ahead, the president thought he had to give it his best shot because the agreement was good for America.

As promised, the administration negotiated two side agreements to the pact with Mexico and Canada designed to provide protection for the environment and American workers. The agreements were acceptable to those who already supported the pact, but did little to convert opponents. It became clear that the White House was going to have a battle on its hands. With the trade pact scheduled for a vote in the House of Representatives in mid-November of 1993, time was running out. The stakes were high and the administration had to make up for a lot of lost ground. Said Representative Robert Matsui of California, a NAFTA supporter, "If the president loses this, he's really damaged."

"THE GIANT SUCKING SOUND"

When President George Bush signed the North American Free Trade Agreement in 1992, opponents of the agreement immediately targeted it for defeat. Throughout the second half of 1992 and most of 1993, NAFTA critics had the playing field all to themselves as President Clinton was preoccupied with other legislative priorities.

"A Weird Coalition." The North American Free Trade Agreement brought together unusual allies, particularly among the opposition. Most organized labor groups opposed it, notably electrical workers, machinists, textile workers, and auto workers. Labor leaders believed that millions of American workers would lose their jobs after companies moved their factories to Mexico for the cheap labor. Most environmental groups too were against the pact, concerned about Mexico's lax record on protecting the environment. The leaders of the opposition came from many different political ideologies, combining to form what one member of Congress called "a weird coalition." Staunch conservative Pat Buchanan came out against the pact during his 1992 presidential campaign. He said free-trade agreements benefited the "wealthy on Wall Street," not the everyday "worker on Main Street." Also vocal in his



R. Michael Jenkins/Congressional Quarterly

The Clinton administration's campaign to pass NAFTA was made more difficult by the opposition of two prominent congressional Democrats: Majority Whip David Bonior and Majority Leader Richard Gephardt. Bonior (pictured here at an anti-NAFTA rally) represented a district in Michigan with a large manufacturing population. He believed that his constituents would lose their jobs if NAFTA was approved.

opposition to NAFTA was consumer advocate Ralph Nader. Joining them was Jerry Brown, former governor of California, and civil rights activist Jesse Jackson.

However, the public figure who would come to symbolize anti-NAFTA fury was Texas businessman Ross Perot. The 1992 independent presidential candidate, who had won 19 percent of the vote, was still a political force in the United States. He had the money and an organization called United We Stand to lead the fight against the trade agreement. Perot believed that if NAFTA became law, Americans would hear a "giant sucking sound"—the sound of American jobs being shipped to Mexico as greedy American corporations moved their factories south of the border. Perot was adept at using the media to communicate his message to the American people, appearing on talk shows, giving speeches, and testifying on Capitol Hill. His efforts were having a profound effect on many lawmakers.

Opposition in Congress. The Democratic Party controlled both houses of the 103rd Congress. Most predicted NAFTA would pass easily in the U.S. Senate. Senators usually have a more "national" perspective and do not feel as much pressure from constituents as a member of the House does.

It was for this reason that the anti-NAFTA forces concentrated their resources on the House of Representatives. Democratic leaders in the House lined up against the pact. House Majority Leader Richard Gephardt of Missouri, an otherwise loyal Clinton ally, announced his opposition to the trade agreement in September 1993. Gephardt chose not to lead the opposition out of deference to the president. House Majority Whip David Bonior, on the other hand, would. Bonior represented a working-class district in Michigan and believed strongly that low-wage jobs would be exported to Mexico, leaving the kind of workers he represented in the dust. At an anti-NAFTA rally on Capitol Hill, Bonior fumed that "the administration is standing with Newt Gingrich, Rush Limbaugh, the Republican leadership, corporate types, and everybody else who's brought us this disastrous trade policy for the last thirty years."

Allies in the GOP. To ensure passage of NAFTA, 218 votes were needed. By October, the administration could count on only about 80 Democrats out of 258 to vote yes. President Clinton faced the prospect on relying on Republicans, who had proved to be a thorn in his side during the first six months of his administration, but for the most part were in favor of the trade pact. Without strong Republican support for the agreement, NAFTA faced sure defeat. The White House would need about two-thirds of all House Republicans to vote for the pact. Could the president's political rivals—Newt Gingrich in the House and Bob Dole in the Senate—be counted on to deliver the necessary votes for passage and hand the president a big win?

BRINGING OUT THE BIG GUNS

In September 1993, President Clinton kicked off his NAFTA campaign with a ceremony at the White House to sign the two side agreements to NAFTA. Standing with the president

The White House

To help drum up support for NAFTA, the Clinton administration held an elaborate ceremony at the White House that showcased three former presidents—Gerald Ford, Jimmy Carter, and George Bush—who all supported the trade pact. Also present at the ceremony were congressional leaders (left to right in back) Thomas Foley, George Mitchell, Robert Dole, and Robert Michel along with Vice President Al Gore.

at this carefully staged media event were former presidents Gerald Ford, Jimmy Carter, and George Bush, all NAFTA supporters. (Ronald Reagan also supported the pact but was unable to attend the ceremony.)

The event was also designed to soothe the nerves of NAFTA supporters in both the House and Senate, many of whom believed they were going out on a limb in voting for the agreement. They sought reassurance from President Clinton that he was determined to fight for passage in Congress. At the ceremony, the president said that NAFTA would produce more than 200,000 new jobs in the United States. But he also explained that in "a fundamental sense, this debate about NAFTA is a debate about whether we will embrace change and create the jobs of tomorrow, or try to resist these changes, hoping we can preserve the economic structure of yesterday." Then each former chief executive took turns praising the agreement and calling for its approval. Jimmy Carter took on Ross Perot, warning the American people not to listen to "those appealing to demagoguery" who were out to "scare the American people."

NAFTA supporters in attendance came away convinced that the president was ready to fight the good fight. Two Republican senators offered praise. Senate Minority Leader Robert Dole said, "The president hit it out of the ballpark." John Danforth of Missouri added that no one "can now doubt the commitment of President Clinton."

In the weeks following, the president brought other "big guns" to the White House to declare their support for the trade agreement, including former Chairman of the Joint Chiefs of Staff Colin Powell and the former president of Chrysler, Lee Iaccoca.

Support of Big Business. Few issues united American companies the way NAFTA did in 1993. President Clinton's commitment to NAFTA rejuvenated the business community across the United States, who had initially thought that the arrival of a Democratic president would doom the pact. USA*NAFTA, a business coalition supporting the agreement, took out newspaper ads, bought time on network television, produced mailings, and gave speeches to sway members of Congress. Millions of dollars were spent to make up ground lost during the past year when anti-NAFTA forces had lawmakers all to themselves, lobbying them to reject the agreement. "I think we've done more on NAFTA than on any legislative issue in history," said Lawrence A. Bossidy, head of USA*NAFTA.

The support of well-known, respected public figures and the intense lobbying of big business did not have the desired effect on as many members of the House as the administration had hoped. Their efforts were matched step-for-step by organized labor and Ross Perot. NAFTA supporters in Congress, while reassured of the administration's commitment to the trade pact, warned that a lot of lost ground still had to be made up. By late October 1993, still only about 70 of the 258 House Democrats had publicly declared their support for NAFTA. To ensure victory, the White House would need to win over an additional forty members. The Republican support was solid; House Minority leader Newt Gingrich was in favor of NAFTA, and signaled to the White House that he could deliver about 110 votes. The White House, however, would have to find the rest.

THE CAMPAIGN GETS NASTY

As Operation NAFTA shifted into high gear at the White House, the intensity of President Clinton's commitment to the trade agreement surprised many, including organized labor. Many labor leaders thought that the president would not work that hard to get NAFTA passed. Stepping up their own efforts, labor groups sent letters to Democratic members of Congress warning them not to vote for NAFTA and promising to work against them when they came up for reelection in 1994 if they did. In early November President Clinton sent letters to Republican House members stating that he would defend them if election opponents made their support for NAFTA an issue in the campaign. Lane Kirkland, the president of the AFL-CIO, was outraged and charged that President Clinton had "clearly abdicated his role as leader of the Democratic Party."

The rift widened when the president, appearing on NBC's *Meet the Press*, lashed out against labor unions for what he called their "roughshod, muscle-bound tactics." Political observers were stunned at the sudden deterioration in relations between a Democratic president and perhaps the most loyal constituency of his party. Fears abounded throughout the White House staff that these groups would not stand behind the president in 1994 when he would try to win congressional approval of his health care plan. However, despite the apprehension, it was too late for Bill Clinton to turn back. By coming out strongly for NAFTA two months earlier, he had to fight successfully for its approval; a defeat now would further undermine his leadership credentials—perhaps a bigger threat to health care reform than lack of support from organized labor. Many lifelong Democratic voters also were angered by what they saw as the president's courtship of big business and neglect of the average working person. Said Ed Millington, an auto worker for thirty years in Flint, Michigan, "I voted for President Clinton, but I didn't vote for him to do this."

DEBATING PEROT: "ANYTIME, ANYWHERE, ANYPLACE"

By late October, the White House believed that victory was within its grasp. More members of the House declared their support, but too many others still remained undecided. Representative David Bonior stated publicly that he had 220 votes—enough to defeat the trade pact. Supporters dismissed Bonior's claim as a way to deflate the president's efforts. However, public opinion continued to be on the side of NAFTA's opponents. Poll showed that about 50 percent of the public was against it, 35-40 in favor of it, and the remaining 10 percent was undecided. With only a couple of weeks before the vote, the White House believed it needed just one public relations victory to galvanize supporters and

AP/Wide World Photos

One week before the vote in the House, Vice President Al Gore and NAFTA opponent Ross Perot met on *The Larry King Show* to debate the trade agreement. Watched by one of the largest cable television audiences ever, the debate showed Perot to be ill-tempered and defensive. Most observers believed it was a turning point in the NAFTA battle and helped the Clinton administration win approval of the trade agreement.

swing public opinion, and the necessary votes, their way.

The Clinton administration thought it necessary to undermine the credibility of Ross Perot, the vocal and media-savvy anti-NAFTA crusader. While still popular with about a quarter of the public, Perot was viewed by a growing number of Americans as somewhat of an eccentric. The White House's own polling found that while the public was deeply divided over the issue, their support for NAFTA actually rose when they were told that the Texas billionaire was against it.

On November 5, President Clinton, after delivering a speech to factory workers in Lexington, Kentucky, challenged Ross Perot to a debate over NAFTA. Perot quickly agreed and said he would meet "anytime, anywhere, anyplace." White House officials maintained that President Clinton should stay "presidential," and suggested that Vice President Al Gore represent the administration. The two sides agreed to the terms and the stage was set: On November 10, one week before the vote on NAFTA, Vice President Gore and Ross Perot would face off on a single, 90-minute edition of CNN's *The Larry King Show*.

Perot "Gored." A lot was riding on the debate. Perot was skillful in front of the camera and seemed comfortable in a debate format, which was evident during the 1992 presidential debates. Al Gore had a reputation for being stiff and boring at public appearances. Many White House officials worried that the vice president, despite his keen grasp of the issue, might be outmatched by the affable Perot.

The debate was tense. The two men spoke over one another, pointed fingers, and scolded each other. Gore accused Perot of "the politics of negativism and fear." Perot said the administration was held captive by big business. The two adversaries painted two very different portraits of Mexico. The vice president spoke of a vibrant, growing economy that had become one of the United States' best export markets. Perot, on the other hand, depicted Mexico as an impoverished, polluted, backwater country whose workers were too poor to buy U.S.-made goods.

At the end of the debate, Perot looked into the camera and declared, "Our people are really angry about this. There is no way to stop them. We'll remember in November." However, most observers agreed that Gore got the best of Perot, taunting him into appearing prickly and defensive.

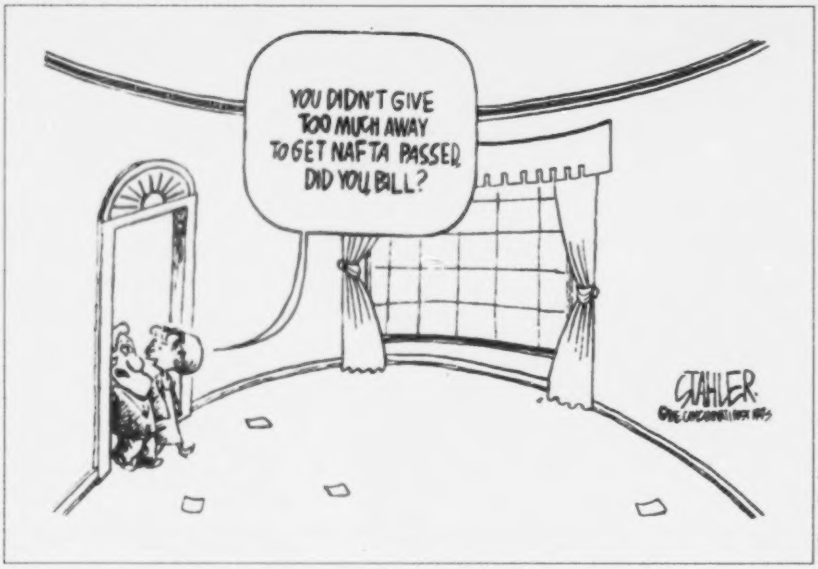
The televised debate, which drew the biggest rating for any regularly scheduled program in the history of cable television, was an unqualified success for the White House and a key turning point in the NAFTA battle. Indeed, one poll taken right after the *Larry King* debate revealed public support for the agreement increased by twenty points. Said Newt Gingrich after the debate, "Suddenly it became respectable. Members [of Congress] could look at that say, 'Look, if Gore can win that decisively, then I'm in a position that I can vote yes and go home and I can defend myself.'"

THE HEAT IS ON

With momentum on their side, the White House had come a long way from what looked like probable defeat in early October. However, as the vote in the House approached, about twenty additional votes were still needed. President Clinton believed that if he gave them enough incentive and appealed to their strong sense of party loyalty, he would be able to convert enough Democrats to assemble the 218 vote majority in the House. "Most members are on our side intellectually," a White House official said, "but they need political cover."

The effort to bring these lawmakers onboard became an around-the-clock campaign for the president and the White House staff. President Clinton reminded the Democratic holdouts that a defeat on this bill would seriously undermine his presidency and make it even more difficult to push through legislation they cared more about, including health care reform. However, often such appeals to loyalty were not enough. It was at this point that President Clinton reached deep into the powers of his office to obtain these votes, using tactics that would bring praise from some, but sharp criticism from others.

Let's Make a Deal. The White House lobbied aggressively to win over lawmakers, using scare tactics when necessary. For example, U.S.


YOU DIDN'T GIVE TOO MUCH AWAY TO GET NAFTA PASSED DID YOU BILL?
STAHLER.

Jeff Stahler/The Cincinnati Post

Attorney General Janet Reno, speaking in front of an audience that included many undecided representatives from California, told 100 California business and community leaders that immigrants would flood their state if NAFTA were defeated. Most of the time, however, the White House simply indulged in old-fashioned deal-making to win approval for the pact.

Three days before the vote, several lawmakers announced they were leaning toward voting for the pact after White House officials pledged to protect Florida crops from European, Asian, and Latin American competition during the upcoming final round of the GATT trade talks. Clinton vowed to protect against a "surge" of Mexican exports of citrus fruits and vegetables—a move aimed to win over the Florida congressional delegation. However, a few still held out. Republican Clay Shaw was upset about a suspected rapist believed to be hiding in Mexico. At the White House's urging, the Mexican government tried to find him.

To win over representatives from Minnesota, North Dakota, and Louisiana, President Clinton promised to impose a limit on sugar imports. To obtain a single vote—Representative Esteban Torres of California—the administration promised more than $200 million to be used for loans for small businesses hurt by the agreement. White House Chief of Staff Thomas "Mack" McLarty promised Representative Joseph Kennedy that the administration would look into establishing development banks for low-income communities, a pet project of the Massachusetts Democrat.

The deals kept coming. New York Representative Floyd Flake got a Small Business Administration center in his district, and Mel Reynolds of Illinois won a commitment from the White House for a campaign fundraiser to be attended by the president. Representative Roman Mazzoli (D-Ky.) said, "I've been around for twenty-three years, and I'll be honest with you. There's been some full-court presses I've seen, but I don't remember anything like this."

"Code Blue." Despite what some saw as desperate and frantic deal-making, many praised the sophistication of the White House NAFTA operation. The president's cabinet was used as a "shadow whip system." Each cabinet member was given House members to guide toward voting for the pact. For example, if a member's support appeared shaky, the White House would issue a "Code Blue" and within an hour, that lawmaker would receive a phone call from a cabinet member or even from President Clinton himself.

In addition, the White House succeeded in part in managing the news to favor its effort. A couple of days before the vote, Canada elected a new prime minister, Jean Chrétien, who during the campaign had said he had serious reservations about NAFTA. To prevent some House members from using this as an excuse to vote no, the White House issued details of its health care proposal so it would drown out coverage of the Canadian election on the evening news. Even the date of the vote in the House—November 17—was significant. Chief White House congressional lobbyist Howard Paster decided to schedule the vote on that date, one

R. Michael Jenkins/Congressional Quarterly

The House of Representatives passed NAFTA by a 234-200 vote, giving President Clinton a huge victory. As a result of the win, the president's approval ratings went up and he showed many in Congress that he could work with Republicans and stand up to interest groups in his own party.

day before the president was scheduled to leave for a trade summit with Asian nations. The White House believed that many members would think twice before handing the president an embarrassing defeat on trade on the eve of such an important meeting.

"TONIGHT WE CHOSE TO COMPETE"

By November 15, two days before the vote in the House, the White House was confident that it had enough votes to win approval of NAFTA. On November 17, debate raged in the House, even though the agreement's staunchest critics conceded that they were likely to lose the vote. Representative Bonior led the charge against NAFTA, pleading his colleagues not to turn their backs on the "American workers who pack a lunch, punch a clock, and pour their heart and soul into every paycheck." Democrat Bill Richardson of New Mexico and Republican Jim Kolbe of Arizona carried the flag for NAFTA, declaring that the vote was historically important because it would indicate the confidence and leadership of the United States.

In the end, the vote was not the squeaker many had predicted. The House of Representatives voted to approve the North American Free Trade Agreement by a comfortable 234 to 200 margin. Of the Democrats, 102 voted in favor, 156 against. A majority of Republicans voted for NAFTA, 132 to 43. (One independent also voted against NAFTA.) After the vote, a smiling President Clinton and Vice President Gore walked into the East Room at the White House to face reporters. "Tonight we chose to compete, not retreat," the president said. "Our only choice was to take the new world head on, to compete, and to win." One week later, the U.S. Senate approved the agreement by a vote of 59 to 41. On December 8, 1993, the president signed the North American Free Trade Agreement into law.

The Aftermath. After the House vote, President Clinton enjoyed a brief period of almost unanimous praise from the news media and other lawmakers. Al Hunt of *The Wall Street Journal* called Clinton's victory "an awesome display of presidential leadership." Republican Bob Michel of Illinois described the president's come-from-behind win as "Herculean."

Many observers saw the White House operation as nothing more than shameless dealmaking—the kind of politics that millions of American had come to despise. "Maybe this is the way politics has got to be," said Democrat Ted Strickland, a NAFTA opponent, "but I'm feeling a little strange right now."

To many observers, the art of the deal is a skill all presidents must possess if they want to "get things done." President Clinton recognized this during the NAFTA battle. "What choice did we have?" said one White House official after the vote. "It's either that or losing." The president's alliance with Republicans, however, was short-lived. In 1994, the failure to win any GOP support helped doom the administration's health care plan, and the 1995 budget fight only worsened tensions between congressional Republicans and the president.

Although the political gains from his NAFTA victory did not carry over into 1994, President Clinton proved that when the stakes were high enough—the U.S. economy, world leadership, not to mention his reputation and political survival—he could come from behind and muster enough power and political will to win major legislative battles.

CHAPTER 4

THE BUREAUCRACY

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The executive branch of government includes not only the president and the vice president, but fourteen cabinet departments and approximately 200 independent agencies, such as the Environmental Protection Agency (EPA) and the Central Intelligence Agency (CIA). The executive branch is by far the largest branch of government, employing about 3 million civilians to carry out the policies of the U.S. government. Collectively, these people are known as the bureaucracy; individually, they are called bureaucrats. The articles in this chapter describe the structure of the federal bureaucracy, its responsibilities, and several proposals to streamline it.

Reed Hundt, chairman of the Federal Communications Commission, offers a firsthand look at the work of a federal agency. The FCC is an independent federal agency charged with regulating interstate and international communications by radio, television, wire, satellite, and cable. Chairman Hundt describes the responsibilities and structure of the FCC and examines how its mission is changing in the 1990s.

Ask some Americans what words and phrases come to mind when they think of government and bureaucracy, and you are likely to hear "too big," "intrusive," and "red tape." Shortly after taking office in 1993, President Clinton appointed Vice President Al Gore to head up the National Performance Review (NPR) to look into ways the administration could "reinvent government." Vice President Gore explains the goals of NPR, outlines recent progress, and projects what government may look like in a balanced budget environment. He reminds citizens that the goal of efforts to reform government should be to make it better, "not to kill it and mount it on the wall as a trophy."

Much of bureaucracy's work involves making and enforcing government regulations. One of

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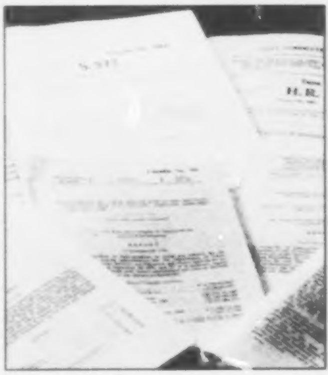
the most enduring public policy debates over the years has been the effect this regulation has on the American economy. Many critics target environmental regulation as a chief culprit of job loss and stagnant growth.

Carol Browner, administrator of the EPA, says that the goal of environmental regulation is not to harm business, but to maintain health and safety for all Americans. Susan Eckerly of Citizens for a Sound Economy counters that the economic and environmental challenges of the twenty-first century require less regulation and more flexible, sophisticated approaches. Eckerly argues that environmental protection and economic growth can go hand in hand if the federal government loosens its grip on local governments and communities.

This chapter's case study examines, in the words of one journalist, what "may be the most hated federal agency in America today": the Bureau of Alcohol, Tobacco, and Firearms. The ATF is a law enforcement agency of about 2,000 workers under the domain of the U.S. Treasury Department. The ATF's role in the standoffs in Waco, Texas, and Ruby Ridge, Idaho, and other controversies provoked venomous antigovernment tirades from some Americans. The case study explores the origins of the ATF, the controversy surrounding the agency, and the reforms that have been implemented to improve its public image.

In his 1996 State of the Union address, President Clinton declared, "The era of big government is over." However, many Americans still see a federal government that is tangled up in incompetence and red tape, and too involved in people's lives. Bureaucrats are often seen as faceless, nameless people who unthinkingly follow rules despite their impact on people's lives. However, most bureaucrats see themselves as dedicated public servants striving for the public good. Without them, government—big or small—would not work.



Close Up Foundation/Renée Bouchard

Federal Communications Commission

Reed Hundt

is the chairman of the Federal Communications Commission.

THE FCC: AT THE FOREFRONT OF COMMUNICATIONS

The Federal Communications Commission, an independent United States government agency, was created by the Communications Act of 1934 to set policies for the nation's use of its communications resources. The FCC makes important decisions about the development of FM radio and color television broadcasting, telephones, and the use of satellites. Decades ago, the nation's resources were very limited, but due to technological breakthroughs, the FCC is now charged with setting policies for interstate and international communications by radio, television, cable, and telephones. Its jurisdiction covers the fifty states, the District of Columbia, and U.S. possessions.

PROMOTING COMPETITION: A NEW MISSION

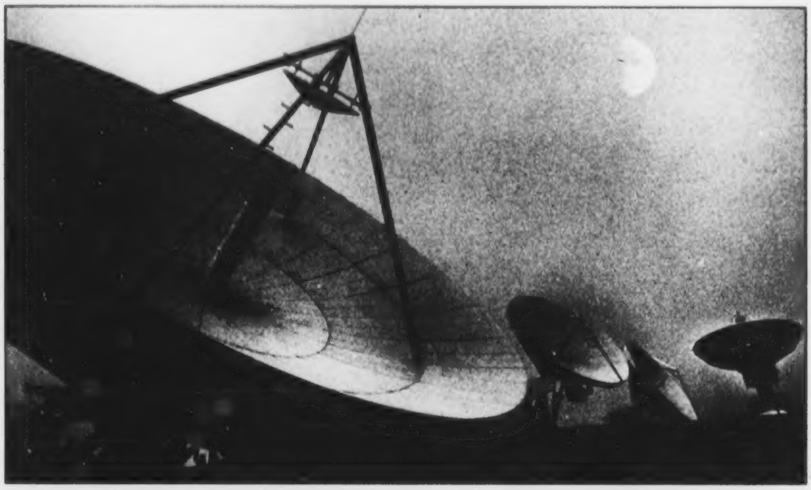
In February 1996, President Clinton signed into law the Telecommunications Act of 1996.

This legislation brought the first major changes to the communications rules in more than sixty years. Replacing rules that blocked competition, restricted job growth, and burdened new entry, the act represents the future of communications—deregulation and facilitating competition.

Under the new telecommunications law, the FCC plays a procompetitive role in the communications industry. Its goal is to increase competition among communications services and products so that prices will go down and consumer options will go up.

Until the adoption of this law, the government managed a few large communications companies. In exchange for their services, these companies enjoyed monopoly status. For example, the long distance telephone company was once a monopoly, but now it comprises more than 500 long distance companies. The change in the composition of the long distance telephone market is the direct result of deregulation. That is, market forces—not the government—determine the price and output of communications services and products. Competition also contributed to the success of the Internet. There are now more than 3,000 Internet service providers in the United States.

Just like in sports, basic rules of competition make the game fairer, faster, and even more fun. For example, in the area of mobile communications, the FCC has used auctions to quickly and fairly distribute hundreds of licenses to companies that will



Folios, Inc.

The Federal Communications Commission was created in 1934 to set policies for the nation's use of its communications resources. With the introduction throughout the years of new technologies, the FCC's responsibilities have grown, and it is now responsible for overseeing interstate and international communications by radio, television, cable, and satellite.

provide you with a variety of choices in pagers, cellular phones, and numerous wireless and mobile products. Another area where the FCC hopes to deregulate is digital television, which will allow you to receive more free broadcast stations and other new services.

The FCC has another mission: to ensure that the public benefits from the increased competition. The Telecommunications Act guarantees that every teacher and student in every classroom in this country has a right to access advanced technology. Specifically, the Telecommunications Act mandates that the FCC connect all schools, classrooms, and libraries to the information superhighway. Communications technology will ensure that the wealth of information accessible through the Internet and other computer networking devices will be at your fingertips, and it will be available to every student regardless of where he or she lives or how much money his or her own parents earn. Even if you do not have a computer at home, your local school, library, and community center will be able to provide you with access to the information superhighway for a variety of uses. You could use the local resources to surf the Internet for interesting facts about your town and other countries, practice your foreign language skills while actively communicating with other users, e-mail your friends, or be networked with the local hospital. All of these services will be available to you and every student in the country.

At the FCC, we firmly believe that everyone has the right to the opportunity to live the American dream. Communications technology helps to make this principle a reality.

THE STRUCTURE OF THE FCC

The FCC has an important role in introducing new technology to the public. How the agency is structured is essential to the success of this mission.

The FCC is directed by five commissioners, all appointed by the president of the United States. To assure that the interests of all people are met, only three commissioners may be members of the same political party. As chairman, I preside over all FCC meetings, coordinate and organize the work of the commission, and represent the agency in legislative matters and in relations with other government departments and agencies.

The Federal Communications Commission is organized by bureaus that generally represent each "lane" of the information superhighway.

- The Mass Media Bureau advises the commissioners on a broad range of policy matters affecting the broadcasting industry (radio and television), including how to promote better programming to supply people with news and information. The Mass Media Bureau also informs the commission on policies to ensure that television broadcasters meet their obligations under the Children's Television Act of 1990 to air programs designed to serve the informational and educational needs of children.

- The Cable Services Bureau provides a single point-of-contact for cable-related issues before the FCC. Under the 1992 Cable Act, this bureau is charged with ensuring good service and reasonable rates for cable television subscribers nationwide. In an effort to promote competition, as the Telecommunications Act requires, the bureau is focusing on introducing competition to the video services marketplace.
- The Common Carrier Bureau manages communications via wire (common carriers) such as telephones. Currently, the bureau is working to establish rules for local phone competition and universal service—making sure everyone around the country has access to rapid, efficient, nationwide, and worldwide communications service and advanced telecommunications services at just and reasonable rates.
- The Wireless Telecommunications Bureau (cellular phones, PCS phones, pagers, two-way radios) manages all the domestic wireless communications needs of businesses and individuals. It conducts the FCC's spectrum auctions that, to date, have raised more than $20 billion for the United States Treasury.
- The International Bureau (satellite and international services) represents the FCC in international affairs, serves as the focal point for international activities, and advises the FCC on international matters. It is responsible for international telecommunications rates, satellites (space and earth stations), and treaties and international agreements to which the United States is a party. It is also responsible for the bilateral discussions and interaction with other international organizations.
- The Compliance and Informational Bureau is composed of regional and field offices working to ensure that radio and television signals are clear, antenna towers are well marked, and the public is kept informed about what is happening in Washington, D.C., and how it affects their region of the country. It ensures that all FCC rules and regulations are enforced.

A BRIGHT FUTURE

We can see the future of communications: phone service at affordable prices; quality television programming that not only entertains, but also teaches; informative and entertaining radio programs that meet the demands of all listeners; wireless services that allow people to have portable phones, pagers, and computers; and, maybe most important of all, access to the Internet that will allow all people to not only see and hear what is going on in the world but to actively participate on the information superhighway. The Federal Communications commissioners and bureaus are constantly working with state and local governments and representatives of important industries to fulfill the promise of open and competitive markets and help bring this exciting world of new communication technologies to the American people.

The White House

Vice President Al Gore, Jr. *directs the National Performance Review (NPR), the Clinton administration's initiative to "reinvent government."*

CREATING BETTER, MORE EFFICIENT GOVERNMENT

President Clinton and I came into office committed to reinventing government. Unlike previous efforts to reform government, our goal was to make it better, not to kill it and mount it on the wall as a trophy. There is a big difference. We firmly believe, as do the vast majority of Americans, that government has a vital role to play in our society. There are just lots of challenges that we as Americans cannot successfully meet unless we have the ability to work together as citizens of this great, free nation by working through the instrument of self-government.

But we recognized that, as we resolve the question of what government does, we also have to tackle the problem of how government does what it does. And that is the first focus of reinvention for us.

A second guiding principle is our belief that much of the frustration that we as Americans have with government is that good people are trapped working inside a bad system. We want to liberate those people to do their jobs in the best way they can, limited only by their abilities and not by the artificial constraints of a bureaucratic system. This belief was the premise behind our creation of the National Performance Review (NPR). In setting up the NPR, I turned not to outsiders but to those who know the most about government and what needs to be done to fix it—federal employees. I asked Bob Stone, a civil servant for twenty-four years, to become project director. In turn, he assembled a team that was, and remains, predominantly from the ranks of the career civil service. This approach is in stark contrast to the history of blue ribbon panels and appointed commissions trying to change government. We studied them all, and this is the first to rely on the people who work on the front lines where the rubber meets the road, who are filled with the most relevant and practical and valuable ideas about how to make government work the way it should.

DOING MORE WITH LESS

But we have not just shrunk the size of the government; we have started to make it work better. All of this is being done by a civilian workforce that is now the smallest that it has been since John F. Kennedy was president. A few years ago, the Federal Emergency Management Agency (FEMA), for example, was itself commonly considered a disaster. Now it is widely praised for its effective and compassionate response to disasters. The Social Security Administration, to take another example, has been recognized by an independent survey in *Business Week* as having the best 1-800 phone service in the entire country—better than L.L. Bean, Disney, or Southwest Airlines.

The Small Business Administration has reduced its size, cut its paperwork dramatically, and dramatically increased the number of loans, creating new opportunities for entrepreneurs across America. This is part of the reason that we've seen more new small businesses created in each of the last three years than in any other year in American history.

In addition to initiating reforms, one of the key roles of the NPR is to shine a spotlight on federal employees who have shown initiative and creativity in making government work better and cost less. Whether they are Customs agents in Miami intercepting more drugs while providing better service to legitimate travelers, whether they are OSHA inspectors teaming up with labor and management to improve workplace safety, whether they are EPA officials working with business and civic leaders in Seattle to turn an environmental problem into economic opportunity, or whether they're one of hundreds of other examples, these federal workers are redefining that phrase "good enough for government work." They're making it change the way the meaning of the phrase "made in Japan" changed from the 1950s until the 1980s, when it used to be shoddy workmanship and then became high quality. "Good enough for government work," before long, is going to mean the finest craftsmanship, the best workmanship, the finest quality available.

And it may happen sooner than you believe it is possible. In October 1995, for the first time, the Ford Foundation and Harvard's Kennedy School presented six of their prestigious Innovations in American Government awards to federal reinventors, placing them among the very best in the entire nation. In the mail coming to the White House, we're getting letters from citizens and businesses who took the time to tell us how happy they are with the services that they're getting, and I love showing the president these letters from citizens who just bubble over with enthusiasm about an outstanding quality of service they've just been provided from the federal government.

HOW BIG IS THE BUREAUCRACY?

FISCAL YEAR	CIVILIAN EMPLOYEES IN THE EXECUTIVE BRANCH	TOTAL U.S. POPULATION	EMPLOYEES FOR EVERY 1,000
1965	2,496,000	194,303,000	12.8
1970	2,944,000	205,052,000	14.4
1975	2,848,000	215,973,000	13.2
1980	2,821,000	228,468,000	12.3
1985	2,964,000	239,134,000	12.4
1990	3,067,000	250,726,000	12.2
1995	2,288,000	263,814,000	8.7

*Includes employees of the U.S. Postal Service

Source: Bureau of the Census/Office of Management and Budget

GOVERNING IN A BALANCED BUDGET ENVIRONMENT

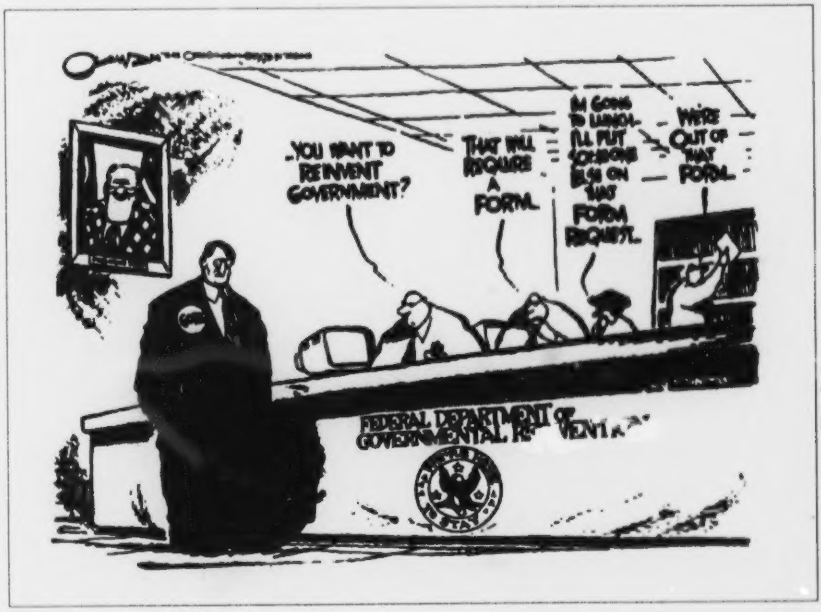
For all this success, we recognize that we're far from finished with this job, and the conditions we're working under have changed. We now have, for the first time in a generation, a solid, bipartisan commitment to balance the federal budget. And while Democrats and Republicans have fundamental disagreements over how to balance the budget, there is no debate any longer over whether to balance budget. That commitment to balance the budget has now raised the bar from where it was just three years ago.

But we're up to the challenge. Reinventing government, or Re-Go, as we call it, is a priority for this administration and is a key to how we create a government that works better, costs less, and cares as much in a balanced budget environment. In 1996, I proposed six initiatives to make this government work better in a balanced budget environment.

First, we're going to take what we've learned from our success in working with the private sector and make partnerships with industry the rule, not the exception, of our regulatory philosophy.

Second, we're proposing to create what we call "performance-based organizations" which will be freed from red-tape personnel, procurement, and budget restrictions to provide services more efficiently. Some of the most talented, creative, hard-driving, successful managers that I have ever encountered anywhere come from the civil service. Unfortunately, as I said earlier, they're good people trapped in a bad system. So we're going to free them up to manage much more like their counterparts in the private sector, giving them the accountability, incentive, and flexibility to get the job done.

To help the federal workforce prepare for the challenges of this new environment, we are sending to Congress new legislation that will vastly expand the demonstration authority in civil service law to allow large numbers of government agencies to design personnel systems suited to their mission.


...YOU WANT TO REINVENT GOVERNMENT?
THAT WILL REQUIRE A FORM.
I'M GOING TO LUNCH— I'LL PUT SOMEONE ELSE ON THAT FORM REQUEST.
WE'RE OUT OF THAT FORM.
FEDERAL DEPARTMENT OF GOVERNMENTAL R VENT

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We're also proposing to create single points of contact for communities in their dealings with the federal government and to turn away from the traditional "do what we want and we'll give you some money approach" of federal grant programs and move in a new direction by asking Congress to turn grant programs into performance partnerships.

And we're going to focus this government on an old-fashioned notion called "customer service." For the first time ever, over 200 agencies have now set customer service standards, and we're asking the public to hold them accountable for meeting those standards.

Together, these steps will transform the federal government so it can serve the American people and live within its means.

Adapted from a speech to the Reinvention Revolution Conference in Bethesda, Maryland, March 25, 1996.

ENVIRONMENTAL REGULATION: TWO VIEWS

Environmental Protection Agency

Carol M. Browner
is the administrator of the U.S. Environmental Protection Agency.

PROTECTING OUR ENVIRONMENT

Imagine turning on your tap in the morning and not knowing whether the water is safe enough to brush your teeth. Or watching raw sewage being dumped into the lake where your family loves to swim and fish. If these images are difficult to picture, it's because we live in a country where protecting the health of the people is a fundamental task of government.

Over the past generation, the people of this nation joined together to say: "We must stop the pollution. We must save our natural heritage—our air, our water, our land." We asked our government to protect what we all share—the air, the water, the land that we hold in common trust. And our government responded.

In 1970, the U.S. Environmental Protection Agency was created.

Close Up Foundation/Renée Bouchard

Susan M. Eckerly
is director of regulatory policy for Citizens for a Sound Economy, a citizens' interest group that promotes lower taxes, free trade, and deficit reduction.

NEW IDEAS, LESS REGULATION

Most of us would call ourselves "environmentalists." We all want to breathe clean air and drink clean water. Enjoying the outdoors, whether fishing or hiking or riding a bike, is very important to our quality of life. We have worked hard to build a quality of life that includes a clean environment and economic well-being.

This country has come a long way since the days when Lake Erie was declared dead and the Cuyahoga River caught on fire. Since the 1970s, this country has passed landmark laws such as the Clean Water and Clean Air Acts that have done much to clean up and protect the environment.

After a generation of environmental improvements, we now face different challenges—both environmental and economic—as the twenty-first century nears. Those of us committed to the goal of environmental protection are being challenged to adopt new tactics to respond to new problems. For example, past approaches emphasized top-down, government command-and-control solutions. These increasingly are recognized as costly and inefficient.

THE COSTS OF "TOP-DOWN" SOLUTIONS

During the past twenty-five years, this country has spent at least $1 trillion

BROWNER CONTINUED . . .

Environmental laws were passed. Environmental regulations were written. To comply with those regulations, businesses and communities began to incorporate pollution control into their day-to-day operations.

And Americans across this country are reaping real benefits—fresh air to breathe, safe water to drink, land that is safe to live on. Why? Because protecting our environment means protecting public health. It means protecting *where* we live and *how* we live.

Today, we no longer have rivers catching on fire, as we once did. Water bodies that were once virtual sewage dumps are now clean, thriving places where people fish and swim. Our skies are cleaner. Thanks to tough enforcement of the Clean Air Act, millions of Americans are breathing cleaner air. We stopped the indiscriminate dumping of toxic waste. By banning lead in gasoline, we saved millions of children from serious physical and mental damage caused by exposure to this toxic material.

President Clinton firmly believes that to keep our communities healthy and strong, we must continue the environmental progress of the past twenty-five years. His administration has taken action to build a new generation of environmental protection for the next twenty-five years.

The Clinton administration set the first ever water quality standards to keep toxic chemicals out of all of the Great Lakes—lakes that provide drinking water for millions of Americans. We took dozens of dangerous pesticides off the market and replaced them with safer chemicals.

In this administration we can point to the biggest drop in toxic air pollution in U.S. history. We expanded the public's right to know about toxic chemicals that industry releases into their neighborhoods. Now, emissions of 615 different toxic chemicals must be reported to the public. Armed with this information, community residents can work with local businesses to control pollution.

Needless to say, many business people understand that their air, their water, and their children's future are

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ECKERLY CONTINUED . . .

on environmental cleanup. While this has achieved significant gains in cleaning up air and water pollution, it has also undermined our economy. According to the U.S. Environmental Protection Agency, the cost of environmental protection exceeded $160 billion in 1996 and is expected to rise to about $200 billion annually by the year 2000.

In recent years, we have seen slower job growth and reduced wage growth. During the 1960s, for instance, the economy grew about 50 percent. In the 1990s, however, our economy has grown an average of a little over 2 percent annually. Wage gains in the last twenty-five years have been lower than in the previous twenty-five years.

The United States Census Bureau found a strong relationship between regulation and reduced productivity: A one dollar increase in costs to control pollution translates into a loss of about three to four dollars in productivity. Lower productivity means less economic growth—and lower wages—for working Americans.

Increasingly, state and local governments are objecting to the hefty price tags to carry out Washington's environmental laws. In a 1991 study, the City of Columbus, Ohio, documented how it would have to spend over $1 billion in local revenues by the year 2000 to comply with the Clean Air, Safe Drinking Water, and Clean Water Acts, among others. This money has to come from either other needed projects or increases in local sales, property, or other taxes.

A NEW APPROACH

Continued protection of the environment *and* job growth with rising incomes for all are equally important goals for everyone. We can meet these challenges by taking advantage of what we have learned about the environment. New technologies are now available that can give us modern approaches to solving problems. As the federal bureaucracy shrinks, we can increase the participation and flexibility of state and local governments. In other words, we can design more efficient methods of protecting the environment that do not

BROWNER CONTINUED . . .

National Park Service

at stake. They want to comply with environmental regulations, and EPA is helping them to do so.

We're opening Compliance Assistance Centers to help honest business owners obey the laws and reduce pollution. The Clinton administration has cut red tape for honest business owners by eliminating 10 million hours of paperwork.

The American people respect honest businesspeople. They want environmental policies to be more flexible. But they don't want to see irresponsible polluters protected at the expense of their communities. They don't want special loopholes for the special interests.

For those intransigent polluters, those who irresponsibly disregard the

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ECKERLY CONTINUED . . .

undercut our need to work and provide for our families.

Such changes to our approach to environmental protection should embrace these fundamental principles.

1. The federal government must be result-oriented, not regulation-oriented, in pursuing environmental protection. A national "command and control," one-size-fits-all mindset to environmental problems falsely assumes each of our communities and all aspects of our environment are identical and equal, and stymies creativity while wasting scarce resources.

"Command and control" means that the government regulators spell out in detail rules to cover every possibility. This approach may have worked all right to solve the most obvious environmental problems during the past twenty-five years. However, today's problems require more sophisticated, flexible solutions than "one size fits all."

2. Environmental problems should be prioritized. Prioritization means we can focus first and foremost on those problems that pose the greatest risk to our health and safety, or to the environment. Such policy decisions and resulting solutions must be made by using sound, peer-reviewed science.

Experts ranging from Dr. John Graham, director of Harvard University's Center for Risk Analysis, to Supreme Court Justice Stephen Breyer, to the EPA's own Science Advisory Board have concluded that we are failing to address real risks and do not prioritize our problems. According to Justice Breyer, "Our regulatory system badly prioritizes the health and environmental risks we face." Dr. Graham estimates that regulators could be saving 60,000 more lives a year by setting better priorities. The National Association of Public Administration also has released a report critical of the Environmental Protection Agency's lack of clear goals and priority setting.

3. Natural resources should be managed on a site- and situation-specific basis, and local environmental problems should be solved by local communities. Our environment is not the same in all parts of the country, and not all problems are national or global in the risk they pose. Local governments must be free to respond

BROWNER CONTINUED . . .

law, the public has every right to expect the government to take swift, effective action. And we have taken that action. We have collected the biggest criminal fines in EPA history from those who ignore environmental standards, polluting the public's air, water, and land.

President Clinton believes economic progress and environmental protection can and must go hand in hand. In the first four years of his administration, more than 10 million new jobs were created. At the same time, toxic pollution from industry has steadily declined. From 1992 to 1994, toxic pollution was down more than 19 percent.

When President Nixon signed the Clean Air Act into law, he said, "1970 will be known as the year of the beginning, in which we really began to move on the problems of clean air and clean water and open spaces for the future generations of Americans."

Perhaps there were some, back then, who believed that with just a few years of work, we could finish the job of environmental protection. The reality is, the job is never done. In a modern industrial society, the responsibility will always be ours—all of us, including government—to protect the air, the water, the land, the health of this and future generations.

Now is no time to stop our progress. The environmental problems of the future will be more complex than ever. We can work together to address these problems today, or we can handle them as expensive crises tomorrow.

Protecting public health and our environment is fundamental to American values. Environmental regulations help us to protect our health, our natural resources, and our children's future.

ECKERLY CONTINUED . . .

to environmental needs—and thus be equally responsive to the local people.

Hazardous waste cleanup, for example, is very much a local issue. Conditions in a Louisiana wetland dictate a very different solution than what is required in Tucson, Arizona. Although one hazardous waste program, the "Superfund," is run by the federal government, states have been running their own programs with much higher success rates. As of last year, a Reason Foundation report notes that the states spent about $700 million annually cleaning up approximately 11,000 sites whereas the EPA worked at over 1,000 sites at a cost of about $1 billion a year.

4. Respect for private property must be reestablished. The Constitution requires that property owners be fairly compensated should the government take property for any purpose. Property owners whose land use is restricted for environmental reasons by the government must be fairly compensated.

Increasingly, the federal government is passing the costs of environmental laws that protect wetlands or endangered species onto private property owners. They do so by prohibiting landowners from developing or building on their land, without compensating them for their economic loss. This violates the Fifth Amendment of the Constitution, which states that "nor shall private property be taken for public use, without just compensation."

5. A dynamic economy is vital to improving our environment. Any approach that stymies the improving prosperity of the people will ultimately result in fewer resources being available to meet society's most important needs—including environmental protection. Efforts to protect and improve the environment must also accommodate the need to protect and improve economic conditions for society.

We have come a long way in our relationship with the environment in the last twenty-five years. By better understanding the challenges before us, and by recognizing that life itself is a process of change, we will be in a better position to act and protect both the environment and the working family's future into the twenty-first century.

CASE STUDY

The Bureaucracy

THE ATF: TODAY'S "UNTOUCHABLES" UNDER FIRE

by Charles R. Sass

AP/Wide World Photos

In recent years, much has been written in the press about the antigovernment attitude of many Americans. Candidates for national office often run as "Washington outsiders" promising to get the federal government out of voters' lives and reduce its size. While experts and pundits have tried to figure out the reasons for this antigovernment sentiment, historians have been quick to point out that this is nothing new; there has always been some distrust of the government in Washington, D.C. From the late eighteenth century, through the long Civil War and Reconstruction era, and right into modern times, Americans have regularly railed against interference from Washington, at politicians they thought were infringing on individual or states' rights, and at the nameless, faceless "bureaucrats" who carried on the work that the federal government was mandated to do.

From the outside, the government bureaucracy sometimes looks like a complex web of regulation and red tape. It is important to remember, however, that the federal bureaucracy is also people—more than 3 million of them. As in any business, some government workers are competent and industrious; some are not. Many bureaucrats are talented and dedicated experts in their field; many know practically everything there is to know about their area of expertise. Some bureaucrats are powerful influences in society; some are bored and disenchanted. There is no stereotypical federal government employee, just as there is no stereotypical autoworker or teacher. The U.S. Office of Personnel Management in Washington, D.C., lists about 2,800,000 different jobs on the federal employment rolls, ranging from medical researchers to letter carriers, secretaries to park rangers. A large number of federal employees are law enforcement officials. They must see to it that more than 250 million Americans obey the laws that Congress has seen fit to put on the books. About 2,000 of these federal workers are agents of the Bureau of Alcohol, Tobacco, and Firearms, or ATF.

Few federal bureaus draw as much fire as the ATF. Erik Larson, writing in *Time*, said, "The ATF may be the most hated federal agency in America today. . . ." G. Gordon Liddy, Watergate burglar and radio talk show host, advised his listeners to fire "head shots" at ATF agents during raids on suspects' property because "they've got a vest underneath." In a 1995 fundraising letter to members, Wayne LaPierre, executive vice president of the National Rifle Association (NRA), called federal authorities "jackbooted government thugs." Accused Oklahoma City bomber Timothy McVeigh was incensed by the ATF's role in the 1993 assault on the Branch Davidian compound in Waco, Texas. By the very nature of its mission and its actions in several high-profile incidents, the ATF has become the one of the tallest lightning rods in the federal bureaucracy.

ENFORCING FEDERAL LAWS

Every day, nearly all Americans are affected by federal laws: laws that have been passed by Congress, signed by the president, and interpreted by the Supreme Court. Many Americans oppose the laws that the government in Washington, D.C., enacts. But for the most part, nearly everyone agrees that a certain amount of "law and order" is necessary to make the country a safe and livable place.

Therefore, if Congress places laws on the books—laws that demand obedience and provide punishment if broken—that legislative body must also provide for enforcement of those laws. Because the U.S. Constitution, for instance, gives Congress the power "to provide for the punishment of counterfeiting the securities and current coin of the United States" and "to define and punish piracies and felonies committed on the high seas . . . ," someone has to catch those counterfeiters or capture those pirates. Many of the amendments to the Constitution include the phrase: "Congress shall have the power to enforce this article by appropriate legislation." So whenever necessary, Congress appropriates funds for government departments and agencies to hire men and women to investigate federal lawbreakers and arrest them if necessary. Without some means of ensuring that federal laws are being obeyed, those laws are worthless. Included among the thousands and thousands of federal statutes are laws regulating firearms.

The "Gun Cops." Americans own more than 200 million guns—enough for one for every adult living in the United States. The design, sale, and use of those guns is regulated by federal law. There are laws about the age and background of a potential gun buyer; laws about how powerful guns can be and how fast they can fire; laws about the use of guns; laws about buying and selling guns. These laws stir strong feelings in people. Every day these topics are "cussed and discussed" in newspapers and on talk radio and television.

On one hand, many people believe that any gun regulation violates the tenets of the Second Amendment to the U.S. Constitution, which gives Americans the right to "keep and bear arms." On the other hand, millions of Americans think the nation needs stricter laws regulating the manufacture and sale of firearms. Some even advocate disarming the general public to make the United States a safer place. The arguments on both sides are often loud and passionate. And not surprisingly, strong opinions about guns and gun control also lead to strong opinions about the federal "gun cops" of the ATF who have to enforce the gun laws. But even as enforcing federal firearms laws might be an unpopular job today, the forerunners of the ATF agents—the tax collectors of the U.S. Treasury—were likely no more popular a century ago.

"REVENUERS": UNCLE SAM'S TAX COLLECTORS

Federal law enforcement agencies include the Federal Bureau of Investigation (FBI); the U.S. Border Patrol; the United States Capitol Police; the Drug Enforcement Administration; the Secret Service; the Bureau of Alcohol, Tobacco, and Firearms; and others. All were started for specific purposes, although over the years their duties have evolved and their jurisdictions often cross paths. The roots of several such agencies—including the ATF—go back to the early days of the U.S. Department of the Treasury.

The Treasury Department hired the first federal civilian law enforcement officers: tax collectors. For much of the twentieth century, the federal government has depended on payroll and income taxes for most of its revenues. But during the early years of the republic and throughout the nineteenth century, the national government collected import duties and excise taxes to pay its bills.

Close Up Foundation/Renée Bouchard

The Bureau of Alcohol, Tobacco, and Firearms is part of the Department of the Treasury. Shown here is the Greek Revival Treasury building, first occupied during the Civil War by the Lincoln administration. Statues of Alexander Hamilton—the first secretary of the treasury—and Albert Gallatin—treasury secretary under Presidents Jefferson and Madison—stand at opposite ends of the building.

Import or customs duties were collected on goods being brought into the country—external revenue. Excise taxes were collected on products sold within the country—internal revenue.

Two of the most commonly taxed products in early America were tobacco and alcohol. American farmers routinely converted their grain into alcohol, which could be easily transported and sold to consumers. But before the transaction between farmer and merchant took place, a federal tax had to be paid. That tax, which was eventually passed on to the consumer, helped support the government. Of course, many farmers and merchants looked for ways to avoid paying the tax man. Thus, from Maine to Florida, thousands of gallons of whiskey and rum were illegally made, bought, and sold. The government, specifically the Treasury Department, responded by hiring tax-collecting agents to track down and arrest tax evaders. These tax men—the first internal revenue agents—were commonly called "revenuers." Over time, the Treasury Department created the Internal Revenue Service (IRS) as its collection and enforcement department.

A great deal of grain alcohol was sold without the tax being added was made by farmers operating hidden "stills." A still was a device used to distill alcohol from fermented grain—usually corn. These enterprising farmers—called moonshiners because they made and transported their spirits under the cover of darkness—were often found in the mountainous regions of the Appalachians and the Alleghenies from Pennsylvania to Georgia. Treasury agents tracked down moonshiners to get them to pay their taxes or to force them out of business. Later, after Prohibition went into effect, even more "revenuers" ventured into the hills; this time to destroy the stills and dump the whiskey rather than to collect taxes.

PROHIBITION AND THE UNTOUCHABLES

In 1920, the United States went "dry." The Eighteenth Amendment, which prohibited the manufacture, sale, and consumption of alcohol, was added to the Constitution. But millions of Americans still wanted to drink, so they found ways to get around the law. Moonshiners made whiskey illegally, rumrunners shipped illegal alcohol into the country from Canada and the Caribbean, bootleggers transported alcohol to proprietors who operated secret saloons called speakeasies, and thousands of Americans made their own "booze." Millions of dollars were still changing hands in the buying and selling of liquor, but by this time the federal government was taxing incomes rather than intoxicants.

Organized Crime. Many Americans, believing that the lawbreakers were doing something fairly harmless, winked at violations of the nation's liquor laws during Prohibition.

However, a major threat to the country's well-being at that time was the surge in organized crime. Making and selling illegal alcohol was a multimillion-dollar business in the 1920s, and ruthless, well-organized criminals took advantage of the activity. Gangsters such as "Scarface" Al Capone and George "Bugs" Moran made millions of dollars by making and selling illegal whiskey. Capone's gang ruled Chicago's streets with bribes, intimidation, threats, and murder. Violent deaths were common in most large cities as gangsters fought for control of the liquor business. The American public was appalled at the murder, mayhem, and general lawlessness associated with Prohibition; they demanded that the federal government do something about it.

Federal Agents to the Rescue. Congress was eager to pass Prohibition, but was not as enthusiastic about providing funds to enforce it. For example, in 1922, Congress appropriated only $7 million to the Prohibition Bureau for nationwide enforcement. The bureau's job was virtually impossible with fewer than 2,800 agents trying to catch bootleggers, rumrunners, moonshiners, and organized gangsters.

The criminal empires of Al Capone and his contemporaries did not go unchallenged, however. Government agents, sometimes called G-men, from the Justice and Treasury Departments had some success in arresting criminals associated with the illegal alcohol business. One of Capone's nemeses was a Treasury agent named Elliot Ness, who bragged that his men would never take a bribe; hence they were known as "untouchables." In fact, it was a Treasury agent who infiltrated Capone's gang in 1929 and gathered enough evidence to have him convicted for income tax evasion.

FROM TAX COLLECTORS TO GUN COPS

Prohibition was repealed in 1933, but organized crime did not disappear. The gangs merely branched out into gambling, prostitution, and drugs. In 1934, Congress reacted to the violence perpetrated by organized crime by passing the nation's first gun control legislation. The 1934 law stopped the manufacture and sale of sawed-off shotguns and fully automatic machine guns—"tommy guns"—that were so favored by gangsters. Treasury agents, who had spent years fighting the illegal alcohol trade, now found themselves enforcing gun laws.

Gun control became a much larger issue for federal agents and the general public in 1968 when Congress, reacting to the assassinations of President John Kennedy, Robert Kennedy, and Martin Luther King, Jr., passed the Gun Control Act. This law greatly expanded government regulation of the sale of firearms by barring convicted felons, minors, and others from buying guns. The law also required gun dealers to have a federal license and to keep records of the customers who bought their firearms. The job of enforcing the new law remained in the hands of the Internal Revenue

Chicago Historical Society/Photo by Chicago Daily News

On Valentine's Day, 1929, seven members of the Dion O'Banion gang were gunned down in a northside Chicago garage by rival gangsters. O'Banion's men were part of the crime organization headed by "Bugs" Moran, one of Al Capone's rivals. Capone was suspected of ordering the "hit," but no one was ever brought to trial for the crime. Capone later went to prison for income tax evasion, based on evidence gathered by a Treasury agent who had infiltrated his gang.

Service (IRS). But IRS officials soon realized that they were not prepared to deal with gun control. So in 1972, the Treasury Department established the Bureau of Alcohol, Tobacco, and Firearms as a crime-fighting agency. Regulating guns became the primary focus of the ATF.

Gun Control and the ATF. Certain segments of the population hated the Gun Control Act of 1968. Gun owners bristled at having their names and addresses recorded by licensed gun dealers and being asked if they had ever been convicted of a felony or found mentally unstable. Gun sellers resented having to be licensed and keep records of gun and ammunition sales. Many Americans believed the 1968 law violated the Second Amendment and took away their freedom to "keep and bear arms."

The NRA Takes the Offensive. Leading the charge against the new law and its enforcement was the National Rifle Association (NRA). Founded in 1871, the NRA had primarily been involved in promoting gun safety and marksmanship. But after the 1968 Gun Control Act was passed, the association focused on repealing or changing the act and criticizing the ATF for how it was enforcing the law.

ATF agents made enemies in enforcing the Gun Control Act. Overzealous agents sometimes rushed to arrest respected citizens who had always legally been part of the wide-open gun trade in the United States before the passage of the new law. In 1980, Representative John Dingell of Michigan—then a member of the NRA's board of directors—said, "If I were to select a jackbooted group of fascists who are perhaps as large a danger to American society as I could pick today, I would pick BATF."

The NRA's message was heard in official Washington. In 1981, President Ronald Reagan, making good on a campaign promise, announced that he was going to dismantle the ATF and assign its agents to other federal law enforcement groups. Reagan met opposition and the bureau survived, but its employees began to suffer low morale. Critics accused the ATF of incompetence in carrying out its mission. Many agents admitted that because of all the criticism and opposition, they stopped aggressively pursuing investigations of illegal gun dealing and applicants for federal firearms licenses.

The "gun cops" were under fire and often found it difficult to find anyone who would applaud their successes. There were successes, but few Americans heard about the 6,000 armed career criminals and armed drug traffickers the ATF brought to justice from 1983 to 1993 or the thousands of search warrants ATF agents secured to raid drug and gun trafficking rings. In fact, one of the reasons that President Reagan backed away from his plan to dismantle the ATF was the bureau's strong endorsement from other law enforcement agencies. But more recent events were about to shine a much brighter spotlight on the bureau.

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Few government agents have attracted as much attention from Hollywood and television as the "untouchables" of the Treasury Department. A long-running television series starring Robert Stack (shown here) and a popular 1987 movie—both titled *The Untouchables*—glamorized the Treasury agents' fight against the organized crime of the Prohibition era.

BIGGER PROBLEMS IN THE 1990S

In recent years, the Bureau of Alcohol, Tobacco, and Firearms has repeatedly come under public scrutiny and criticism. Several high-profile events led to headlines proclaiming the ATF to be incompetent, disorganized, and racist.

Ruby Ridge. In 1989, an informant for the ATF met a self-described "white separatist" named Randy Weaver near Hayden Lake, Idaho. The informant was trying to gather information about the activities of the Aryan Nations, a white separatist organization located in the region. The undercover agent talked Weaver into selling him two illegal sawed-off shotguns. ATF agents hoped to use the threat of prosecution on the illegal gun charge to persuade Weaver to become an inside informant against Aryan Nations. He refused and was indicted on the firearms charge.

When Randy Weaver did not show up for trial, a federal grand jury indicted him for failure to appear. Because Weaver was then branded a fugitive, the ATF turned the case over to the U.S. Marshals Service. For the next year and a half, the marshals looked for a way to convince Weaver to peacefully leave his Ruby Ridge, Idaho, cabin where he was holed up with his wife and three children. In August 1992, when three federal marshals went onto the Weaver property, shots were fired. One of the Weaver children and one of the marshals were killed. The FBI was then called in to resolve the standoff. An FBI sniper fired into the cabin, killing Weaver's wife. Weaver and Kevin Harris—a friend of Weaver's—then surrendered.

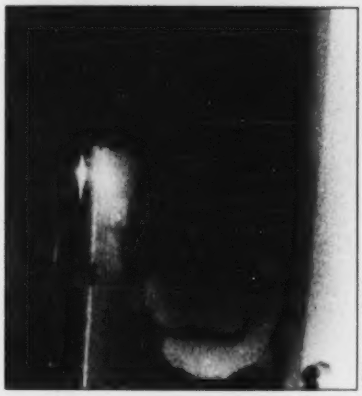
Both men were tried on numerous charges in 1993. An Idaho jury acquitted Harris of all charges and found Randy Weaver guilty only of failing to appear on the original gun charge. Meanwhile, the FBI was roundly criticized for its actions, and twelve employees were disciplined by FBI Director Louis Freeh. Weaver later filed a lawsuit against the federal government. In 1995, the government settled the suit by agreeing to pay Weaver damages of $3.1 million.

Some critics blame the ATF for "entrapping" Randy Weaver on a "technical" gun charge, thereby touching off events that led to the death of his wife and son. The U.S. Justice Department concluded that the ATF's conduct of the firearms case against Weaver was proper and that the ATF played no part in the shootings. Some critics blame the FBI for the tragic consequences of the case. But in the minds of many Americans, both agencies were to blame—especially after events near Waco, Texas, in the spring of 1993.

Mt. Carmel—Waco, Texas. In spite of ongoing criticism from the NRA and several newsmaking arrests, the Bureau of Alcohol, Tobacco, and Firearms had been a fairly low-profile federal agency for most Americans until Sunday, February 28, 1993. On that day, a firefight broke out at the 77-acre compound of a religious cult called the Branch Davidians near Waco, Texas, leaving numerous ATF agents and occupants of the compound dead and wounded. The ATF found itself on the front pages of all the nation's newspapers. Fifty-one days later, after FBI agents stormed the compound with tear gas, dozens of its occupants died in a raging fire. By this time, more Americans began to ask how federal law enforcement agents could cause such bloody events.

ATF officials began investigating the Branch Davidians after a delivery company alerted a local sheriff's department about suspicious deliveries at the religious compound named Mt. Carmel. Law enforcement authorities suspected that David Koresh, the leader of the religious group, was stockpiling weapons, ammunition, and explosives. Koresh, who called himself "prophet" or "master," was the leader of the religious group of about 100 men, women, and children who lived on the compound. Koresh, who had changed his name from Vernon Howell, was no stranger to law enforcement authorities. In 1987, he had been charged with attempted murder in a shootout with a rival cult leader. His trial ended in a hung jury.

Although people in the local community knew about the Branch Davidians and David Koresh, most were not clamoring for authorities to do something about the group. Cult members appeared to most of their neighbors to be peaceful and harmless, and Koresh was often seen in town. Members of Koresh's group resented being called a cult; many said they were not brainwashed and could come and go as they pleased. But as time went by, more and more disturbing stories began to leak from the compound. Several former Branch Davidian members claimed Koresh was abusing children and stockpiling weapons. They said the group was



AP/Wide World Photos

Branch Davidian leader David Koresh (shown here) and eighty-five of his followers died in a fire at his Mt. Carmel compound when he refused to surrender to FBI agents surrounding the site. Earlier, Koresh's loyalists had fired on ATF agents who were attempting to serve search warrants.

planning a mass suicide on Easter at Mt. Carmel. Thus, local authorities became concerned and the ATF began investigating the compound and planning an armed assault on its occupants if peaceful attempts to arrest Koresh failed.

The ATF Raid. After months of investigation, including surveillance and the use of an undercover informant, ATF agents decided to enter the Mt. Carmel compound—using force if necessary—to serve arrest and search warrants for illegal possession of firearms and explosives. On Sunday morning, February 28, 1993, more than 100 ATF agents in blue jumpsuits and flak jackets took up positions around the compound. They were hoping to surprise Koresh and his followers and seize the facility without a fight. But instead, the agents walked into an ambush. They were met by a hail of gunfire from inside the compound, and agents who used ladders to climb on the roof were hit with rifle bullets coming through the ceiling and walls. Three National Guard helicopters, being used in the raid, were also hit. Forty-five minutes later, four ATF agents were dead and fifteen other agents were wounded. At least six Branch Davidians also died in the exchange. The unsuccessful raid left David Koresh holed up inside with his followers and an abundance of guns and ammunition.

The Next Raid. After the ATF raid on Mt. Carmel—or Ranch Apocalypse as some occupants called it—federal authorities, now led by the FBI, placed the compound under siege. FBI negotiators tried to talk Koresh and his followers into giving up and coming out. A few occupants—mostly children—were allowed to leave, but the others stayed. Koresh told negotiators that he would come out once he had written his interpretation of the "seven seals" of the Bible's book of Revelations, but FBI officials believed that Koresh was only stalling. The FBI was also receiving reports that children in the compound were being beaten and abused. A plan—approved by U.S. Attorney General Janet Reno—was already underway to storm the compound once again, this time using tear gas to force the occupants to come out.

On April 19, 1993, federal authorities, using heavy combat vehicles, began to inject the tear gas into the compound. But the gas failed to dislodge the occupants, and several hours after the raid began, the mostly wooden compound went up in flames. Only nine Branch Davidians got out of the fire alive; eighty-five others died.

What Went Wrong? Both the Bureau of Alcohol, Tobacco, and Firearms and the Federal Bureau of Investigation were roundly criticized for their actions in Waco. The Treasury Department investigated the case and concluded that ATF officials handled a sensitive situation ineptly and then tried to cover up their mistakes with lies and distortions. The Treasury investigation placed primary blame on the raid leaders who allowed it to proceed even after learning that they had lost the element of surprise. However, the Treasury Department's report also commended the ATF for its initial investigation into Koresh's activities and said that the ATF's action "was an appropriate response to a dangerous situation."

A government investigation concluded that the Branch Davidians set the fires that ended the siege. Both the FBI and the ATF have been criticized for underestimating the religious fervor and will of many of the cult members to face their destruction by fire rather than come out. Some critics say that the FBI should have been more patient with Koresh in trying to negotiate his surrender. In 1995 congressional hearings, Attorney General

Janet Reno defended her decision to go ahead with the tear gas assault on the complex. She said, "We all mourn the tragic outcome, but the finger of blame points in one direction. It points directly at David Koresh."

"Good Ol' Boys." In 1995, the ATF once again found itself gaining unwanted publicity when journalists reported on an event called the "Good Ol' Boys Roundup," an annual gathering organized by several ATF agents in Tennessee. Since 1980, attendees have gathered in the hills east of Chattanooga to "let off steam" with lots of food and drink. The roundup gained notoriety primarily because of its apparent racist overtones. Investigators said that invitations go to whites only and that the roundup often features racist skits and signs.

African-American ATF agents, who number about 200 among a total of 2,000, say they are not surprised by the racism charges. Many describe the bureau as keeping a culture left over from when Treasury agents were southern "good ol' boys" hunting for moonshiners in the Appalachians. A lawyer for black ATF agents who sued bureau supervisors for discrimination said, "This is what the lawsuit is about: a Ku Klux Klan attitude among some of the white agents that seriously affects black agents on a day-to-day basis."

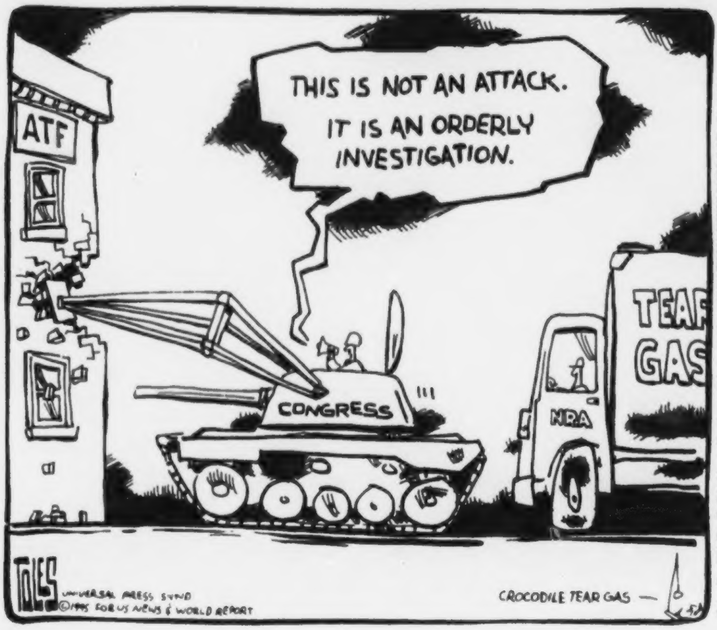
ATF leaders admit that there are racial tensions in the bureau in some cases, but say they are trying to change those attitudes. One official said, "The ATF does not and will not tolerate any kind of discrimination." Meanwhile, in April 1996, Treasury Secretary Robert Rubin referred thirty-one ATF agents for further inquiry or possible discipline for participating in the "Good Ol' Boys Roundup." His department also barred any of its law enforcement officers, regardless of agency, from attending future roundup events.

THE ATF IN THE AFTERMATH

The Bureau of Alcohol, Tobacco, and Firearms has much to do. According to its mission statement, the bureau must reduce crime, enforce laws, collect taxes, ensure fair trade, help states enforce their laws, and help fight the war on drugs. And yet, in recent years, the ATF has received far more bad publicity than good. Officials both inside and outside the bureau are assessing the damage and

AP/Wide World Photos

Four ATF agents died in a shootout with Branch Davidians while trying to serve warrants on David Koresh. Here, two ATF agents patrol the area outside the Branch Davidian compound.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Clinton administration officials and many Democrats criticized 1995 congressional hearings on the Waco incident, saying the hearings were politically motivated and intended to embarrass the administration. House Republicans contended that earlier hearings did not get out all the facts and that the American public deserved to hear the whole story.

looking for ways to get the organization on track and in the good graces of the American public. Most think that will not be easy.

Unpopular by Association. The ATF's detractors have continued the attacks that began in the 1970s. For example, in a published advertisement, the National Rifle Association said the ATF's "tyrannical" record "should alarm every American." ATF officials hear such criticism and admit they have far to go to make the public appreciate what they do. They point out that they have a difficult job. When a bureau of the federal government has the responsibility for regulating three of the country's most popular, yet most highly regulated products—liquor, cigarettes, and guns—it is bound to draw some hostility. One undersecretary of the treasury believes that ATF's opponents do not hate the ATF itself, they hate the laws it must enforce. But some admit that eventually the hostile opposition does trickle down to the agents. The bureau's critics say that well-orchestrated opposition has succeeded in discouraging ATF agents from aggressively pursuing many of the cases that they should. The agents themselves say that it is much less politically sensitive to kick in the door of a crack house than it is to investigate a firearms dealer who may be popular in the community. Those who would like to see tighter government regulation of firearms believe the ATF should work harder at investigating gun dealers, gun shows, and applicants for federal firearms licenses.

A New Leader. One of the first moves made by Treasury officials after the Waco raid was the naming of a new director for the Bureau of Alcohol, Tobacco, and Firearms: John Magaw. Magaw promised to reform the bureau, give it a new direction, and improve the morale of its employees. He believes that lack of training contributed to the disaster at Waco and that his agents need to be better prepared. The director wants ATF agents to go through refresher training courses periodically and keep abreast of the latest techniques. Magaw says, "If you have good people and you train them, you will survive in spite of yourself."

Director Magaw has also been concerned with internal troubles. He wants agents to be disciplined by their superiors if they do something out of line. He has also established a professional review committee that examines every internal investigation and votes on the discipline that should be imposed. Magaw's actions were applauded by many both inside and outside the bureau.

Accomplishments. Agents and supporters point out that the ATF has been an effective crime-fighting agency through the years. ATF agents have brought thousands of armed career criminals and drug traffickers to justice in the past ten years. They have served more than 10,000 search warrants, not one of which has been found to be unconstitutional. In 1994 alone, ATF recommended 10,000 defendants for prosecution, many of whom were previously convicted felons. A 1996 General Accounting Office report noted that from 1990 through 1995, ATF conducted more than 76,000 investigations and arrested almost 47,000 suspects. Only thirty-nine of those cases involved shooting incidents. ATF agents have begun to pay closer attention to the firearms dealers who are issued federal firearms licenses. Consequently, the number of dealers—which totaled nearly 260,700 in 1993—dropped to 168,400 in 1996.

Supporters repeat that although ATF drew a great deal of heat from many Americans after its actions in Waco, Justice officials commended ATF for its initial investigation into Branch Davidian leader David Koresh's activities and agreed that the search warrants were appropriate. In the Ruby Ridge case, investigators said the agency's actions were completely proper. In addition, few people realize that on the same day as the Waco raid, an ATF agent working with a New York City detective found the vital evidence that cracked open the World Trade Center bombing case. Also, in May 1996, after an eighteen-month investigation, ATF agents seized 2,000 illegal fully automatic AK-47 rifles and arrested the suspects that brought them into the United States from China.

The Future. Influential people in and out of government still think the ATF should be disbanded and its duties given to other federal law enforcement agencies. Waco, Ruby Ridge, and the Good Ol' Boys Roundup are fresh in the minds of many Americans, and well-organized opposition to the ATF is likely to keep the pressure on the "gun cops." In fact, if new and tougher gun laws are passed in future years, the ATF's job could get harder and the criticism possibly even more harsh. Second Amendment supporters, led by the National Rifle Association, have been effective lobbyists on the nation's lawmakers. It is natural for many gun control opponents to look upon the ATF as a powerful government barrier to their goals, and it is unlikely that they will stop criticizing gun control laws or the bureaucrats who have to enforce them.

Many people are upset by the attacks on the government workers who have to enforce the nation's laws. While admitting that the ATF and FBI may have made mistakes in several high-profile incidents, they also resent the criticism heaped upon people who are merely trying to do

AP/Wide World Photos

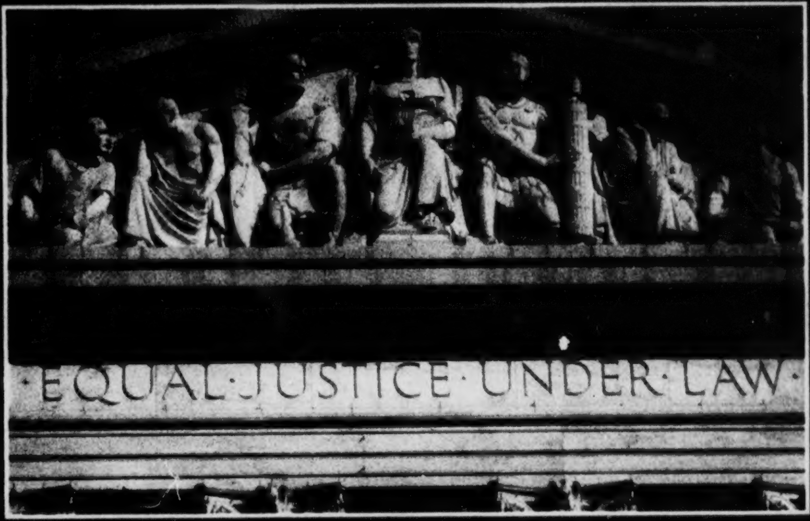
Agents from the Bureau of Alcohol, Tobacco, and Firearms led federal investigations into the causes of and motives for dozens of fires in African-American churches in the South in 1995 and 1996. Here, two ATF agents look for evidence amidst the rubble of a burned church.

their jobs. Even former president George Bush responded to an NRA fundraising letter that referred to ATF agents as "jackbooted government thugs" by resigning his longtime membership in the organization. In his remarks, the former president said, "I care—I've always cared—about service to this country, particularly about those who are in law enforcement. These people lay their lives on the line every day for the United States. This broad-based attack should not go unchallenged. It is just wrong. It totally slandered decent law enforcement public servants."

The Bureau of Alcohol, Tobacco, and Firearms still has dedicated detractors, but it also has supporters who appreciate what ATF agents do to uphold federal law. Despite harsh criticism for its actions in several high-profile events, ATF Director John Magaw has promised changes to improve his agency's reputation and effectiveness. He said, "In some cases, we in the ATF have learned what we should be doing better and differently. So I think, if we can bring everything to a level of no name-calling and personal attacks, then we're going to be on the right track."

CHAPTER 5

THE JUDICIARY


·EQUAL·JUSTICE·UNDER·LAW·

CHAPTER 5

THE JUDICIARY

In the Federalist papers, Alexander Hamilton argued that the judiciary was the "least dangerous" branch of government. To Hamilton, courts had neither the executive's power of the sword nor the legislature's power of the purse, so they posed no threat to democratic government. But through the power of judicial review, courts have frequently overturned laws passed by legislatures. Some critics charge that the courts have gone too far—that unelected judges are making law, not interpreting it. The articles in this chapter examine the scope of judicial power.

An independent judiciary is "one of the crown jewels of our system of government," according to U.S. Supreme Court Chief Justice William Rehnquist. He points out that the idea of an independent judiciary with the authority to declare laws unconstitutional is essential to the functioning not only of the judiciary, but of the constitutional system of government. Chief Justice Rehnquist believes that, while the courts must change as the country changes, the independence of judges must endure.

Women's role in the legal profession and the courts has been limited by a belief that women think differently than men, notes Justice Sandra Day O'Connor, the first woman to sit on the Supreme Court. She traces the progress of early women lawyers and recalls that, when she graduated from law school near the top of her class, the only job she could get at any national law firm was as a legal secretary. Justice O'Connor decries the "new feminism," which argues that female judges decide cases differently than their male colleagues; she believes that "a wise old man and a wise old woman reach the same conclusion."

How does the Supreme Court decide what cases to consider? Phillip Spector, a former law clerk to U.S. Supreme Court Justice

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Tiffany Farrell Larbalestier

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Thurgood Marshall, outlines the decisionmaking process of the court in determining which 100 cases of the more than 5,000 submitted it will hear. Under the "rule of four," a case will be heard if four justices agree. Some of the factors in that decision include whether the case presents an important issue with a broad impact, whether federal appellate courts disagree on the issue, whether the federal government requests review by the Court, and whether a criminal defendant might go free because of a lower court's ruling.

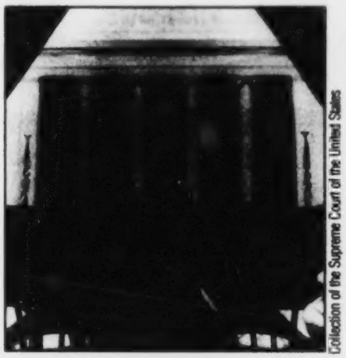
Experts disagree on the limits of judicial review. Judicial activism occurs when judges overturn statutes and previous court decisions, or precedents, thus creating broad changes in public policy. Judicial restraint occurs when judges refrain from such action, believing that public policy is best left to popularly elected legislatures.

A related issue is how judges should interpret the Constitution. Robert Bork, a legal scholar and former federal judge, believes that unelected judges, to be faithful to democracy, must not impose their own subjective values on the people's elected representatives. Instead, says Bork, they should rely on the intent of the framers of the Constitution to interpret its meaning.

Conversely, Laurence Tribe, a professor of constitutional law at Harvard Law School, maintains that the Constitution's most important phrases are deliberately ambiguous because the framers themselves intended for it to evolve. For Tribe, judges cannot "avoid the painful duty of exercising judgment so as to give concrete meaning to the fluid Constitution."

In 1976, the death penalty was reinstated in the United States. Although the majority of the American public supports capital punishment, its reemergence has created many problems for the judicial system, including a flood of appeals cases and concerns that it is not being justly administered. This chapter's case study examines how the death penalty affects the U.S. judicial system.

The Constitution establishes an independent, unelected judiciary to protect individual rights against the tyranny of the majority. The judiciary guards the individual from the power of the government. But how are citizens protected against the power of judges? In the words of Judge Bork, who guards the guardians?



Collection of the Supreme Court of the United States

National Geographic Society

Chief Justice William H. Rehnquist

was appointed to the Supreme Court of the United States in 1972 as an associate justice and became chief justice in 1986.

THE INDEPENDENCE OF THE JUDICIARY

The federal courts, like other governmental institutions, must, when necessary, change with the changing times. It would be a mistake to think that just because a certain kind of judicial business has always been conducted in a particular way in the past, it therefore ought to be conducted that way in the future. But there are a few essentials that are vital to the functioning of the federal court system as we know it. Surely one of these essentials is the independence of the judges who sit on these courts.

Article III of the Constitution guarantees to federal judges the right to continue in office during good behavior and prohibits the diminution of their compensation. But these two constitutional provisions did not settle every question about the independence of the judiciary. As a result, there have been several actions by Congress over the years which have fleshed out the constitutional provision in a manner akin to the development of an "unwritten constitution" in Great Britain.

Article I of the Constitution provides that civil officers—including judges—may be impeached by the House of Representatives for "high crimes and misdemeanors," and if convicted by the Senate may be thereupon removed from office. The term "high crimes and misdemeanors" was sufficiently amorphous to leave open the possibility, at the time of the adoption of the Constitution, that a federal judge could be removed from office, not only for conduct that was criminal, but for rulings from the bench that seemed flagrantly wrong.

An important episode early in our nation's history in effect resolved this question. This was the impeachment trial of Samuel Chase, then an associate justice of the Supreme Court, in 1805. Chase had been appointed to the Supreme Court by George Washington in 1796.

In 1803, two years after Thomas Jefferson took office as president, Chase delivered a partisan charge to a grand jury in Baltimore. Jefferson, learning of this, wrote to his lieutenants in the House of Representatives suggesting that they do something about it. The House proceeded to impeach Chase on a number of counts. The first count was the charge to the Baltimore grand jury. Other counts were based on his conduct of the trial of John Fries for treason in Philadelphia in 1800, and still others were based on his conduct in the trial of James Callender in

Richmond for violation of the Sedition Act in the same year.

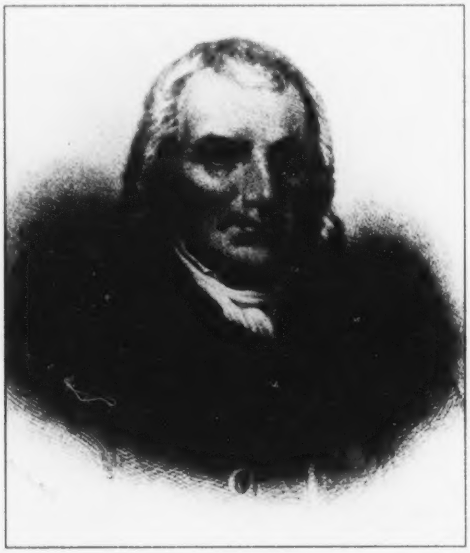
Chase's trial before the Senate began in February 1805, presided over by Vice President Aaron Burr. Burr was himself a fugitive from justice at this time, having killed Alexander Hamilton in a duel at Weehawken, New Jersey, the preceding summer. Criminal indictments were out for him in both New Jersey and New York, which caused one wag to remark that whereas in most courts the criminal was arraigned before the judge, in this court the judge was arraigned before the criminal.

More than fifty witnesses testified before the Senate. The charges pertaining to the Fries trial did not amount to much. At the most they showed Chase to be headstrong and somewhat domineering, a trait not unknown in other federal judges either then or now. The charges in connection with the Callender trial were a good deal more serious. Callender was charged under the Sedition Act with bringing President John Adams into disrepute, inasmuch as he called him a toady to British interests in a long and incredibly turgid book entitled *The Prospect Before Us*. The evidence showed that Chase had actually taken the book with him from Baltimore, where he lived, to Richmond in order to allow the grand jury to consider it, and that during the stagecoach trip Richmond he referred to Callender as a "scoundrel" to another passenger.

On March 1, 1805, the Senate convened to vote on the articles of impeachment against Chase. At that time there were thirty-four senators, twenty-five of whom were Jeffersonian Republicans. If these senators voted a party line, there would be the necessary two-thirds majority to convict Chase and remove him from office. Happily, they broke ranks. On the articles based on the Fries trial, the vote was sixteen to convict, and eighteen to acquit. The vote on the articles relating to the Callender trial was eighteen to convict, and sixteen for acquittal. On the count based on the charge to the Baltimore grand jury, the House managers came closest to prevailing—nineteen senators voted guilty, and fifteen voted not guilty. But even this number fell four votes short of the two-thirds majority required by the Constitution, and Chase was therefore acquitted on all of the counts against him.

This decision by the Senate was enormously important in securing the kind of judicial independence contemplated by Article III. Coming only two years after the seminal decision of the Court in *Marbury v. Madison*, which established the authority of the federal courts to declare legislative acts unconstitutional, the Senate decision assured federal judges that their judicial acts—their rulings from the bench—would not be a basis for removal from office by impeachment and conviction. And that has been the guiding principle of the House of Representatives and the Senate from that day to this; federal judges have been impeached and convicted—happily, only a very few—but it has been for criminal conduct such as tax evasion, perjury, and the like.

This principle only goes so far. It obviously does not mean that federal judges should not be criticized for the decisions which they make; they are frequently so criticized by the media



Supreme Court of the United States

In 1805, Samuel Chase, associate justice of the Supreme Court, faced impeachment in the U.S. Senate for his conduct in a series of trials, but was acquitted on all counts.

and by law reviews, and there is certainly no reason why other citizens should not engage in the same practice. And the doctrine of judicial independence does not mean that the country will be forever in sway to groups of nonelected judges. When vacancies occur through death or retirement on any of the federal courts, replacements are nominated by the president, who has been elected by the people of the entire nation, subject to confirmation by the Senate, whose members have been elected by the people of their respective states. Both the president and the Senate have felt free to take into consideration the likely judicial philosophy of any nominee to the federal courts. Thus, there is indirect popular input into the selection of federal judges.

The framers of the United States Constitution came up with two quite original ideas. The first was the idea of a chief executive who was not responsible to the legislature, as a chief executive is under the parliamentary system. The second was the idea of an independent judiciary with the authority to declare laws passed by Congress unconstitutional. The first idea—a president not responsible to Congress—has not been widely copied by other nations in the Western world when they have come to review their systems of government. But the second idea—that of an independent judiciary with the final authority to interpret a written constitution—has caught on with many other nations, particularly since the end of the Second World War. It is one of the crown jewels of our system of government today.

Close Up Foundation/Renée Bouchard

The Supreme Court is in Washington, D.C. The construction of the building was completed in 1935.

Change is the law of life, and the judiciary will have to change to meet the challenges which will face it in the future. But the independence of the federal judiciary is essential to its proper functioning and must be retained.

Adapted from a keynote speech at American University, Washington College of Law, Washington, D.C., April 9, 1996, "The Future of the Federal Courts," and reprinted from 46 A.M.U.L. Rev. (1996).

Supreme Court Historical Society

Justice Sandra Day O'Connor *was appointed to the Supreme Court of the United States in 1981, after serving as a state senator and a state judge in Arizona.*

PORTIA'S PROGRESS: WOMEN AND THE LAW

Most of the early women legal pioneers faced a profession and a society that espoused what has been called "the cult of domesticity," a view that women were by nature different from men. Women were said to be fitted for motherhood and homelife, compassionate, selfless, gentle, moral, and pure. Their minds were attuned to art and religion, not logic. Men, on the other hand, were fitted by nature for competition and intellectual discovery in the world, battle-hardened, shrewd, authoritative, and tough-minded.

Women were thought to be ill-qualified for adversarial litigation because it required sharp logic and shrewd negotiation, as well as exposure to the unjust and the immoral. In 1875, the Wisconsin Supreme Court told Lavinia Goodell that she could not be admitted to the state bar. The chief justice declared that the practice of law was unfit for the female character. To expose women to the brutal, repulsive, and obscene events of courtroom life, he said, would shock man's reverence for womanhood and relax the public's sense of decency.

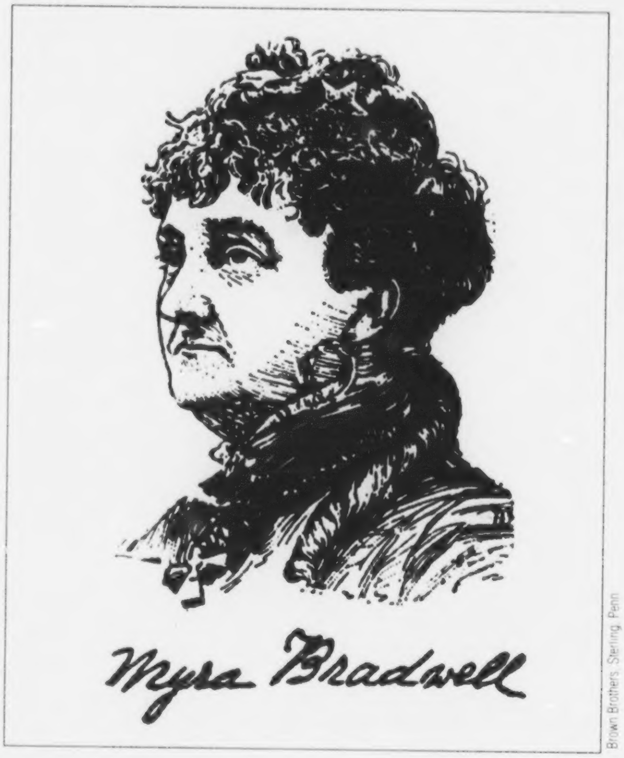
In a similar case, Myra Bradwell of Chicago, who had studied law under her husband, applied to the Illinois bar in 1869 and was refused admission. The Illinois Supreme Court reasoned that, as a married woman, her contracts were not binding, and contracts were the essence of any attorney-client relationship. The court also proclaimed that "God designed the sexes to occupy different spheres of action, and that it belonged to men to make, apply, and execute the laws."

In *Bradwell v. Illinois* (1872), the United States Supreme Court, I blush to admit, agreed with the Illinois court. Justice Bradley, concurring in the Court's opinion, cited the natural differences between men and women as the reason Myra Bradwell could not be admitted. He wrote:

> *Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life.*

Even Clarence Darrow, one of the most famous champions of unpopular causes, had this to say to a group of women lawyers: "You can't be shining lights at the bar because you are too kind. You can never be corporation lawyers because you are not cold-blooded. You have not a high grade of intellect. I doubt you can ever make a living."

Editor's Note: Portia is a female character in Shakespeare's play, *The Merchant of Venice,* who disguises herself as a male lawyer so that she can defend a friend in court.



Brown Brothers, Sterling, Penn

Myra Bradwell appealed to the Supreme Court to allow her to become a lawyer, but in 1872 the Court held that the "law of the Creator" forbade women from working outside the home.

Luckily for women lawyers today, our female predecessors had far more spunk, spirit, and wit than they were given credit for. Clara Shortridge Foltz, the first woman lawyer in California, displayed the characteristic mettle of these early women lawyers. When an opposing attorney once suggested in open court that she had better be at home raising children, Foltz retorted: "A woman had better be in almost any business than raising men such as you."

In my own time, and in my own life, I've witnessed the revolution in the legal profession that has resulted in women representing nearly 30 percent of attorneys in this country, and over 40 percent of law school graduates. The American Bar Association projects that forty years from now half the country's attorneys will be women. I myself, after graduating near the top of my class at Stanford Law School, was unable to obtain a position at any national law firm, except as a legal secretary. Yet I have since had the privilege of serving as a state senator, a state judge, and a Supreme Court justice.

Women today are not only well-represented in law firms, but are gradually attaining other positions of legal power, representing 7.4 percent of judges, 25 percent of U.S. attorneys, 14 percent of state prosecutors, 18 percent of state legislators, 17 percent of state executives, 9 percent of county governing boards, 14 percent of mayors and city council members, 6 percent of U.S. congresspersons, and of course, just over 11 percent of U.S. Supreme Court justices.[1] Until the percentages come closer to 50 percent, we cannot say we have succeeded. Still, the progress in my own time has been astounding.

That progress has been due in large part to the explosion of the myth of the "true woman" through the efforts of real women and the insights of real men. Released from these prejudices, women have proved they can do a "man's job."

The new presence of women in the law has prompted many feminist commentators to ask whether women have made a difference to the profession, whether women have different styles, aptitudes, or liabilities. Ironically, the move to ask again the question of whether women are different merely by virtue of being women recalls the old myths we have struggled to put behind us. Undaunted by the historical overtones, however, more and more writers have suggested that women practice law differently than men. One author has even concluded that my opinions differ in a peculiarly feminine way from those of my colleagues.

The gender differences cited currently are surprisingly similar to stereotypes from years past. Women attorneys are more likely to seek to mediate disputes than litigate them. Women attorneys are more likely to focus on resolving a client's problem than vindicating a position. Women attorneys are more likely to sacrifice career advancement for family obligations. Women attorneys are more concerned with public service or fostering community than with individual achievement. Women judges are more likely to emphasize context and deemphasize the general principles. Women judges are more compassionate. And so forth.

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[1] In 1996, there were fifty-five women (about 10 percent) in Congress and two women on the U.S. Supreme Court.

This "new" feminism is interesting, but troubling, precisely because it so nearly echoes the Victorian myth of the "true woman" that kept women out of law for so long. It is a little chilling to compare these suggestions to Clarence Darrow's assertions that women are too kind and warm-hearted to be shining lights at the bar.

Asking whether women attorneys speak with a "different voice"[2] than men do is a question that is both dangerous and unanswerable. It sets up again the polarity between the feminine virtues of homemaking and the masculine virtues of breadwinning. It threatens, indeed, to establish new categories of "women's work" to which women are confined and from which men are excluded.

Do women judges decide cases differently by virtue of being women? I would echo the answer of my colleague, Justice Jeanne Coyne of the Supreme Court of Oklahoma, who responded that "a wise old man and a wise old woman reach the same conclusion."

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[2] Carol Gilligan, in her book *In a Different Voice: Psychological Theory and Women's Development*, maintains that women and men differ in their moral development, and that women's moral values have been labeled inferior by psychological studies based on men.

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Close Up Foundation/Renée Bouchard

THE SUPREME COURT: DECIDING WHAT TO DECIDE

Phillip L. Spector

is a partner in the law firm of Paul, Weiss, Rifkind, Wharton, and Garrison, in Washington, D.C. He served as a law clerk to U.S. Supreme Court Justice Thurgood Marshall from 1977 to 1978.

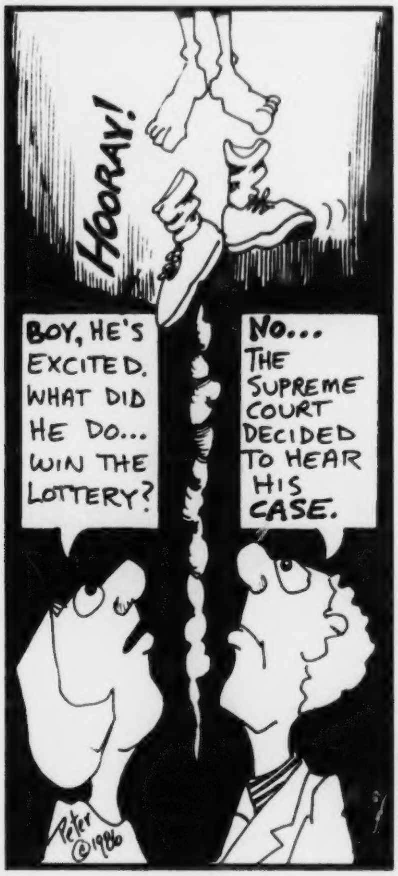
When most of us think of the Supreme Court, our first thought is of the major cases that grab the headlines in our nation's newspapers. Whether the subject is affirmative action or abortion, the rights of the press or the rights of criminals, government budget-cutting or school prayer, the Supreme Court often plays a crucial role in deciding the critical issues that we face as a government and a people. Thus, when a news announcer says, "The Supreme Court decided today . . . ," we all stop and listen.

As we listen, most of us do not think about the many, many cases that the Supreme Court chose not to decide. For example, if you were a litigant and had asked the Supreme Court to review your case in 1994-95, you would have had about one chance in forty-five of succeeding with your request. And, of course, succeeding in having the Supreme Court hear your case does not mean that you will necessarily win in the Supreme Court; it only means that the justices have decided to decide.

To understand the Supreme Court's discretion to decide which cases it will hear, one must first understand how cases reach the Supreme Court. Whether coming from a state court or from a federal court, a case typically will not end up in the Supreme Court until it has been considered by a trial judge, sometimes working with a jury. Once the trial judge or jury has ruled, the facts of a case are generally assumed to be as the judge or jury found them, but the losing side almost always has a right to appeal the trial-level decision to a higher court. The appeal is based primarily on how the law was applied to the facts of the case. In our judicial system, every litigant is entitled to at least one—and sometimes two or three—appeals before a case may reach the Supreme Court.

Once lower court appeals have been exhausted, the losing party may file a request for review with the Supreme Court. The most common form of request is a petition for "certiorari" (or review). Once a certiorari petition or appeal is filed, the opposing side may reply, and then the petition and reply are reviewed by the justices and their law clerks. Despite the fact that more than 5,000 requests for review may be filed with the Supreme Court in a year, every petition is read by a justice or clerk before a decision to deny is made.

On most Fridays from September through June, the nine justices sit


HOORAY!
BOY, HE'S EXCITED. WHAT DID HE DO... WIN THE LOTTERY?
NO... THE SUPREME COURT DECIDED TO HEAR HIS CASE.
Peter ©1986

Close Up Foundation/Peter

together in "conference." No other persons—secretaries, law clerks, or assistants—are with them as they discuss not only the decisions in the cases that they have accepted for review, but also which of the thousands of cases they should agree to hear. Any justice who thinks that a particular case might be worth reviewing may put it on the list for the conference; and in the conference, an informal "rule of four" is followed.

This rule, which is not written anywhere, means that a case is reviewed on its merits—typically by granting certiorari—if four of the nine justices vote to hear it. Any justice who wants to hear a case, but cannot persuade his or her colleagues, may ask that the announcement of the certiorari petition's denial be delayed while that justice writes memoranda or talks to colleagues in an effort to persuade them to join him or her.

What factors do the justices consider in deciding which cases to hear? Although each justice has his or her own reasons for voting to grant or deny, certainly the overriding criterion for all justices is one of importance. If a case has something important about it, something unique and significant for the country or the legal system, it is likely to be heard. If there is nothing important or unique about a case, the certiorari petition will almost always be denied.

Beyond this general criterion of importance are a few more specific criteria.

- If two appellate courts in the federal system are in conflict on a legal principle—that is, the two courts have reached different conclusions as to what the law requires in a particular situation—the Supreme Court is likely to grant certiorari to resolve the conflict.
- If a lower court has declared that a federal or state statute violates the U.S. Constitution and accordingly cannot be enforced, the justices are also likely to grant certiorari, unless the lower court has followed clear Supreme Court precedent in reaching its conclusion.
- In criminal cases (which constitute a large percentage of the Supreme Court's docket), the justices will take a hard look at any decision that might lead to a convicted criminal's going free because of a lower court's perception of what the law requires.
- If the federal government asks the Supreme Court for review, the request will carry more weight than if an ordinary citizen is seeking review.
- If the case deals with large issues of concern to us all (such as school prayer), review is more likely than when the Court's decision would affect only the litigants in the case.
- When the Supreme Court is struggling to establish useful guidelines in particularly controversial areas, such as abortion or libel, review is more likely than when the case is in an area in which the body of law has been relatively stable for a long period.

One frequent question is whether a rich person's chances of being heard in the Supreme Court are better than a poor person's. At first glance, the statistics would seem to indicate that this is the case. In 1994-95, the Supreme Court granted review in one-half of 1 percent of the cases filed *in forma pauperis*—cases for which the Supreme Court waived the normal filing fee. By contrast, review was granted in nearly 4 percent of the paid cases.

However, these statistics are misleading. A large proportion of the *in* *forma pauperis* cases are filed by prisoners seeking relief from the Supreme Court after they have exhausted all other avenues of appeal, sometimes in both the state and federal judicial systems. These prisoners are understandably desperate for relief, but their desperation does not necessarily mean that they have a case worthy of Supreme Court review.

Moreover, many *in forma pauperis* cases are filed directly by litigants without the assistance of lawyers. While this fact does not mean that their petitions are treated more lightly by the Supreme Court, it does mean that no lawyer has given the petitioner a realistic assessment of his or her Supreme Court chances. Because a lawyer has a professional responsibility to advise a client that the Supreme Court is not likely to hear the case—and because a lawyer will expect to be paid for filing a certiorari petition—the cases that are filed after a lawyer's screening are more likely to be worthy of review and thus more likely (about eight times more likely, according to the 1994–95 statistics) to be heard by the Supreme Court.

From my own experience, I believe that those filing *in forma pauperis*, including those without lawyers, are given a fair shake, and that the justices and their clerks may even bend over backwards to make sure that they understand a particular poor person's claim. If that claim has any merit in terms of the Supreme Court's criteria for hearing cases—i.e., if the case is important enough or if there appears to have been a serious miscarriage of justice—counsel will be appointed for a poor person, and the case will be heard.

In fact, the Supreme Court's history over the past fifty years has been one of protecting the weak and defenseless, the minority citizens and the accused criminals, and the unpopular causes. The popular causes and the rights of the majority have always been protected by the legislative and executive branches of the government, whose officials are elected by virtue of their popularity with the majority. Because the Supreme Court does not have to face election, it has played a key institutional role as the defender of the Bill of Rights.

The Supreme Court's ability to decide what it will decide has had a strong impact on its history and institutional role. By concentrating its attention on those cases where major issues need to be resolved, the Supreme Court has gained a certain legitimacy that it could not have had if it were required to decide every case that came before it. Moreover, nine justices, no matter how intelligent or hardworking, could not possibly reach individualized determinations on the merits in more than 7,000 cases per year. Just attempting to write full opinions in ninety-five or so cases per year, while reading and denying thousands of certiorari petitions, taxes the resources of the justices and their staffs. For these reasons, the Supreme Court's discretion to review only the most significant cases is absolutely essential to its continued effectiveness and to the respect accorded the Supreme Court by the American people.

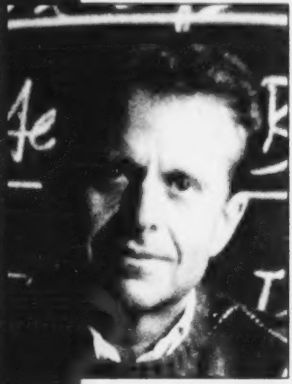
HOW JUDGES SHOULD INTERPRET THE CONSTITUTION: TWO VIEWS

Close Up Foundation/Renée Bouchard

Robert H. Bork
is a legal scholar at the American Enterprise Institute. He served on the U.S. Court of Appeals for the D.C. Circuit and was nominated for the Supreme Court in 1987, but was not confirmed by the Senate.

THE THEORY OF ORIGINAL INTENT

In the past few decades, American institutions have struggled with the temptations of politics. In law, the moment of temptation is the moment of choice, when judges realize that in the case before them their strongly held views of justice, their political and moral philosophies, are not embodied in a statute or in any provision of the Constitution. They must then choose between their version of justice and abiding by the American form of government. Yet the desire to do justice, whose nature seems to a judge obvious, is compelling, while the concept of constitutional process is abstract, rather dry, and the restraint it demands rather unsatisfying. To give in to temptation, this one time, solves an urgent human problem, and a faint crack appears in the American foundation. A judge



Harvard Law School

Laurence H. Tribe
is a professor of constitutional law at Harvard Law School. He is the author of numerous books and frequently argues cases before the Supreme Court.

THE MYTH OF STRICT CONSTRUCTIONISM

Some would argue that constitutional adjudication is simply the job of correctly reading the Constitution. If the Supreme Court justices interpret our great charter in a straightforward manner—if they pay close attention to its words and avoid stretching their meanings—there will be few occasions for controversies. All that the president and the Senate need do is stop appointing "activist" judges who impose their own philosophies upon the document they are sworn to uphold, and appoint instead properly "restrained" jurists who know, and will not exceed, a judge's properly limited place. So the argument goes. It is simple and appealing—but plainly wrong.

This approach to judicial review is usually known as strict constructionism, and its guiding principle is exclusive attention to the constitutional text. The Supreme Court's justices must take the Constitution as they find it, and not worry about the morality of the outcome. Even if the justices are appalled by the results this method produces, or believe that the Constitution's literal commands are severely out of step with the times, it is not their job to reinterpret it. That prerogative belongs to the Congress and the president—and ultimately to the people, who retain the power to *amend* the Constitution. The watchword of strict constructionism is "restraint."

BORK CONTINUED . . .

has begun to rule where a legislator should.

The Constitution preserves our liberties by providing that all of those given the authority to make policy are directly accountable to the people through regular elections. Federal judges, alone among our public officials, are given life tenure precisely so that they will not be accountable to the people. If it were otherwise, if judges were accountable, the people could, when the mood seized them, alter the separation of powers, do away with representative government, or deny basic freedoms to those out of popular favor. But if judges are, as they must be to perform their vital role, unelected, unaccountable, and unrepresentative, who is to protect us from the power of judges? How are we to be guarded from our guardians? The answer can only be that judges must consider themselves bound by law that is independent of their own views of the desirable. They must not make or apply any policy not fairly to be found in the Constitution or a statute.

What does it mean to say that a judge is bound by law? It means that he or she is bound by the only thing that can be called law, the principles of the text, whether Constitution or statute, as generally understood at the enactment. This philosophy of original intent or original understanding—that a judge is to apply the Constitution according to the principles intended by those who ratified the document—was once the dominant view of constitutional law, but is now very much out of favor with legal theorists. Only the approach of original understanding, however, is consistent with our democratic system of government.

The central problem for constitutional courts is the resolution of the "Madisonian dilemma." The United States was founded as a Madisonian system, which means that it contains two opposing principles that must be continually reconciled. The first principle is self-government, which means that in wide areas of life majorities are entitled to rule, if they wish, sim-

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The central flaw of strict constructionism is that words are inherently indeterminate—they can often be given more than one plausible meaning. If simply *reading* the Constitution the "right" way were all the justices of the Supreme Court had to do, the only qualification for the job would be literacy, and the only tool a dictionary. But the meanings of the Constitution's words are especially difficult to pin down. Many of its most precise commands are relatively trivial—such as the requirement that the president be 35 years old—while nearly all of its most important phrases are deliberate models of ambiguity. Just what does the Fourth Amendment prohibit as an "unreasonable search"? What exactly is the "speech" whose freedom the government may not "abridge"? What is it that we gain by being guaranteed the "equal protection of the laws"? And what, in heaven's name, is "due process"? Such vague phrases not only invite but compel the Supreme Court to put meaning *into* the Constitution, not just to take it out. Judicial construction, or interpretation, inevitably entails a major element of judicial creation.

This is not to say that the Court is free to take the position of Humpty Dumpty, that "a word means just what I choose it to mean—neither more nor less." The justices may not follow a policy of "anything goes" so long as it helps put an end to what they personally consider to be injustice. But the constitutional text is not enough—we need to search for, and explain our selection of, the *principles behind* the words.

Chief Justice John Marshall once wrote that we must remember that "it is a *Constitution* we are expounding." It is the grand charter of a democratic republic, the philosophical creed of a free people, and it was written in broad, even majestic language because it was written to evolve. The statesmen who wrote the Constitution meant the American experiment to endure without having to be reinvented with an endless series of explicit amendments to its basic blueprint. The Ninth Amendment expressly

BORK CONTINUED . . .

ply because they are majorities. The second is that there are nonetheless some things majorities must not do to minorities, some areas of life in which the individual must be free of majority rule. The dilemma is that neither majorities nor minorities can be trusted to define the proper spheres of democratic authority and individual liberty. To place that power in one or the other would risk either tyranny by the majority or tyranny by the minority.

We have placed the function of defining the otherwise irreconcilable principles of majority power and minority freedom in a nonpolitical institution—the federal judiciary—and thus, ultimately, in the Supreme Court of the United States. The task of reconciliation cannot be accomplished once and for all. The freedom of the majority to govern and the freedom of the individual not to be governed remain forever in tension. The resolution of that dilemma must be achieved anew in every case and is therefore a never-ending search for the correct balance.

The functions assigned to the Court impose a need for a constitutional theory that defines the spheres of the majority and the individual in a sense that can be called "correct." If there is no correct solution, there is no way to assess the work of the courts, and no way to confine the judge's power over us. It is as important to freedom to confine the judiciary's power to its proper scope as it is to confine that of the president, Congress, or state and local governments. The theory must, therefore, enable us to say what is the limit of the judge's legitimate authority. The interpretation of the Constitution according to the original understanding is the only approach that can lead to what Justice Felix Frankfurter called the "fulfillment of one of the greatest duties of a judge, the duty not to enlarge his authority."

When a court strikes down a statute, it always denies the freedom of the people who voted for the representatives who enacted the law. We accept that more readily when the

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states that even the Bill of Rights itself is not to be understood as an exhaustive list of individual liberties. The Ninth Amendment thereby invites us, and our judges, to expand on the wide range of freedoms that are uniquely our heritage. Thus the Constitution tells us, both implicitly and explicitly, that what it does *not* say must also be interpreted, understood, and applied.

Another related school of constitutional interpretation takes as its basis the intent of the authors of the Constitution. The task of the Supreme Court, when confronted by ambiguous or open-ended language, is simply to divine what the framers and the authors of the amendments had in mind. One obvious problem with asking "what they meant" is that we must first determine who "they" are. In the case of the Bill of Rights, do we defer to the intentions of the men—yes, it was men only—who drafted it and saw it as an essential safeguard against encroachment on fundamental freedoms, or to the intentions of those who saw the Bill of Rights as unnecessary and unwise, but agreed to its passage because otherwise some states might never have ratified the Constitution?

The nagging doubt prompted by inquiries like these is that no collective body—be it the Congress or the Constitutional Convention or the aggregate of state legislatures—can really be said to have a *single*, ascertainable "purpose" or "intent." And even if such a mythical beast could be captured and examined, how relevant would it be to us today? Should the peculiar opinions held by men who have been dead for two centuries *always* trump contemporary insights into what the living Constitution means and ought to mean? Should we permit others to rule us from the grave through hidden beliefs and premises perhaps deliberately left unstated?

The most serious flaw in both slavish adherence to the constitutional text and the inevitably inconclusive inquiry into the intent of those who wrote it is that they abdicate respon-

BORK CONTINUED . . .

decision is based upon a fair reading of a constitutional provision. The Constitution, after all, was designed to remove a number of subjects from democratic control, subjects ranging from the composition of the houses of Congress to the freedoms guaranteed by the Bill of Rights. But when the Court, without warrant in the Constitution, strikes down a democratically produced statute, that act substitutes the will of a majority of nine lawyers for the will of the people.

There is a story that two of the greatest figures in our law, Justice Oliver Wendell Holmes and Judge Learned Hand, had lunch together. Afterward, as Holmes began to drive off in his carriage, Hand ran after him, crying, "Do justice, sir, do justice." Holmes stopped the carriage and reprimanded Hand: "That is not my job. It is my job to apply the law." I meant something like that when as a judge I dissented from a decision that seemed to proceed from sympathy rather than law: "[W]e administer justice according to law. Justice in a larger sense, justice according to morality, is for Congress and the president to administer, if they see fit, through the creation of new law."

A judge has no authority to impose a moral hierarchy upon society. People can and do disagree about moral or ethical principles. Because we disagree, we put such issues to a vote and, where the Constitution does not speak, the majority morality prevails. Where the Constitution does not apply, judges, while in their robes, must adopt a posture of moral abstention. They must avoid the temptations of politics.

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sibility for the choices that constitutional courts *necessarily* make. The Supreme Court just cannot avoid the painful duty of exercising judgment so as to give concrete meaning to the fluid Constitution. Strict constructionism in all its forms is thus built on the myth that the Supreme Court does not *make* law, but *finds* law ready-made by others.

Thus the members of the Court themselves occasionally duck responsibility for their substantive decisions about what the Constitution should mean by shoving the blame—or the credit—onto the document's supposedly plain words or onto the supposedly evident intentions of the people who penned those words 200 years ago. When Chief Justice Taney declared that blacks were an "inferior class of beings" that could "justly and lawfully be reduced to slavery for the white man's benefit," he claimed that this was not *his* opinion but a conclusion dictated by the language of the Constitution and the obvious intent of the men who wrote it. But disclaimers that "the Constitution made me do it" are rarely more persuasive than those that blame the devil.

The allure of strict constructionism and of those who claim to practice it—their ability to make complicated issues sound simple and tough decisions easy—is precisely what should make us suspicious of it. For it threatens to put us to sleep at the very moments when we must be most alert to the choices that are in fact being made about the Constitution and its impact on our daily lives.

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CASE STUDY

The Judiciary

CAPITAL PUNISHMENT IN AMERICA

by Tiffany Farrell Larbalestier

American Correctional Institution

Violent crime has become a common and disturbing problem in the United States. Every year, more than 20,000 Americans are murdered; hundreds of thousands more are victims of rape, robbery, and assaults. In the 1990s, many Americans are calling for justice and retribution. As a penalty for the most violent and heinous crimes, many people seek capital punishment. However, since the death penalty was reinstated as part of the U.S. judicial system in 1976, it has become a complex and problematic issue.

The United States is the only industrialized Western nation that executes the ultimate punishment: the death penalty. While many European countries have repealed their death penalty laws, many Americans currently embrace them. Opinion polls consistently show that a solid majority of Americans—about 70 percent—support capital punishment, and the Supreme Court has ruled that the U.S. Constitution does not bar such a penalty. As of 1996, thirty-eight states had death penalty laws, and more than 3,000 prisoners were awaiting execution.

Many critics maintain that the death penalty today remains as unfair as it was when the Supreme Court banned it between 1972 and 1977. They cite evidence that a person's chances of receiving a death sentence depend primarily on the amount of money that person has; that is, whether the defendant can afford a good defense lawyer. A death sentence can also depend on where the crime was committed and whether the prosecutor involved is an advocate of the death penalty.

Although there has been no conclusive evidence that capital punishment reduces violent crime, many Americans support the death penalty because they believe it has a deterrent effect on crime. Some proponents of capital punishment argue that the current system places the rights of the accused above the rights of victims, and they want a stronger death penalty to reverse those values.

Current trends suggest that American citizens and politicians remain steadfast in their support of capital punishment. More and more prisoners live on death row every year, and new laws may increase their numbers more rapidly. Recent federal legislation increases the number of crimes for which the death penalty can be sought, and another federal law now reduces the avenues for people to challenge their death sentences. But as the number of death penalty cases continues to rise, Americans are equally concerned that juries and judges must not send innocent people to their deaths.

Strict procedures govern the review process by higher courts (called appeals) in cases where the accused's life hangs in the balance. People convicted of capital crimes have the right to appeal their cases to state and federal courts. These procedures were established so that the death penalty would be carried out consistently and fairly, without executing innocent people. However, as the number of death row inmates has increased, the cost of this lengthy appeals process has skyrocketed.

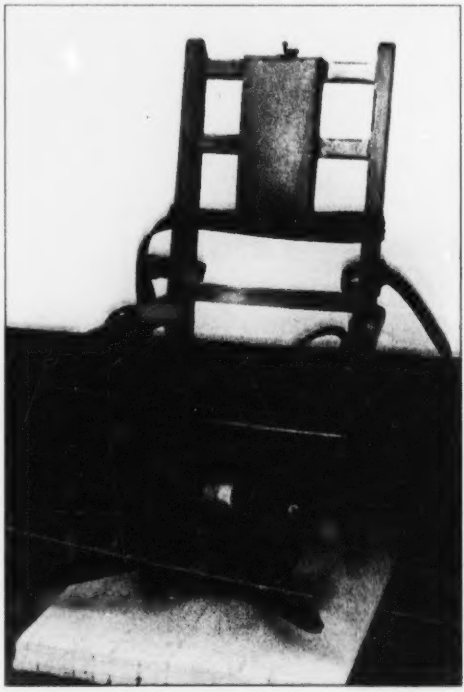
Victims' rights groups have criticized the appeals system whereby death row prisoners can delay their execution by an average of ten years. These critics say that the death penalty is losing its deterrent effect on crime because of such long delays. But others support the appeals procedures, believing that such rules ensure that defendants are being treated justly by the judicial system and can help save innocent people from being put to death. Some critics say that the costs of carrying out this legal process are simply too high to justify keeping capital punishment a part of the American criminal justice system. As the death row population grows and places increasing demands on the judiciary, the courts may have to decide whether capital punishment can be successfully and fairly administered in the United States.

CRUEL AND UNUSUAL PUNISHMENT

The death penalty in the United States derives its legitimacy from the U.S. Bill of Rights and the Supreme Court's interpretations of the Eighth Amendment. It reads, "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

The final clause of the Eighth Amendment forbids punishments that are "cruel and unusual," but it does not say what cruel and unusual punishments are. The Supreme Court in *Trop v. Dulles* (1958) said that the Eighth Amendment "must draw its meaning from evolving standards of decency that mark the progress of a maturing society." Therefore, as Justice Thurgood Marshall noted in a later case, "a penalty that was permissible at one time in our nation's history is not necessarily permissible today." In other words, punishments that were common in 1791, such as whippings and placing criminals in pillories, are not constitutional today because standards of decency have changed.

But although other forms of physical punishment for criminals have disappeared, the death penalty still exists and remains a controversial issue. The Supreme Court has decided many cases on the constitutionality of capital punishment. (It has also defined the nature of cruel and unusual punishments in noncapital cases.) But



Virginia Department of Corrections

In recent years, some Americans have criticized electrocution as "cruel and unusual punishment." Thus, many states have begun to use lethal injection. Of the thirty-eight states with the death penalty, thirty-two use lethal injections as a method of execution (but several of those states have more than one form of execution). Nevertheless, eleven states still use the electric chair. The gas chamber is used in eight states, the firing squad in two, and hanging in four states.

the death penalty remains hotly debated, probably because it concerns the ultimate issue: life or death.

CAPITAL PUNISHMENT IN THE UNITED STATES

The death penalty has been an established feature of the American criminal justice system since colonial times. In fact, until the mid-nineteenth century, execution was the automatic sentence for a convicted murderer. Then, state laws began to draw distinctions between degrees of murder, but the death penalty was still automatic for first-degree murderers. By the early twentieth century, however, state legislatures had given jurors more discretion in sentencing. But state law gave no guidance to members of a jury in choosing between life and death sentences. Jurors had total discretion in this decision, a choice that could not be reviewed upon appeal.

Until the 1960s, murderers and rapists were put to death quite frequently in the United States, with the rate of execution peaking at 200 per year during the Great Depression of the 1930s. But in the 1960s, the death penalty faced increased opposition. Some social scientists argued that capital punishment did not achieve what many say is its major purpose—deterrence of other murderers. Studies of execution patterns also indicated that juries did not treat similar cases alike; instead, they acted randomly and unreasonably. Furthermore, where there was a visible pattern to death penalty sentencing, it was based on race. African Americans were executed far more often than whites for murder, and almost all those executed for rape were black men convicted of raping white women. By 1968, there was an unofficial moratorium on executions in the United States.

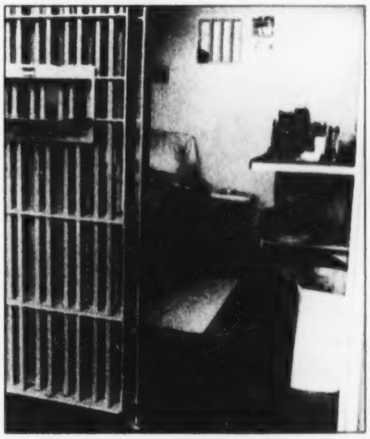
Most criminals are sentenced under state law, not federal law. Thus, the Eighth Amendment's prohibition against cruel and unusual punishments did not apply to the overwhelming majority of death penalty cases until 1962, when the Supreme Court incorporated it to apply to the states in the case of *Robinson v. California*. Even then, some members of the Supreme Court were reluctant to address the issue of capital punishment, which they saw as inherently subjective and complex. In 1971, Justice John Marshall Harlan wrote:

> *To identify before the fact those characteristics of criminal homicides and their perpetrators which call for the death penalty, and to express these characteristics in language which can be fairly understood and applied by [judges and juries], appear to be tasks which are beyond present human ability.*

But only a year later, the Supreme Court undertook to do precisely that in *Furman v. Georgia* (1972). The *Furman* opinion was more than 230 pages long—the longest in Supreme Court history. All nine judges wrote separate opinions, trying to define the meaning of four words: "cruel and unusual punishment."

Furman v. Georgia *(1972).* In *Furman*, the Court ruled that the death penalty as then administered in the United States was cruel and unusual punishment because it was "wantonly" and "freakishly" imposed. Judges and juries had far too much unguided discretion under current state laws, the Court held, leading to "arbitrary and capricious," or random and unreasonable, death sentences.

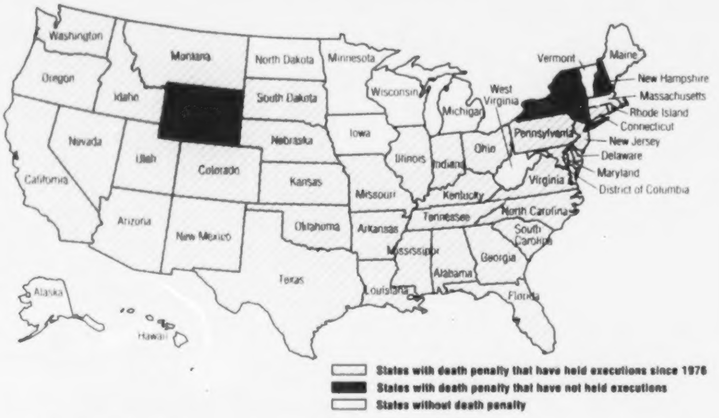
The *Furman* case did not involve an especially heinous, or despicable, crime. William Furman had broken



AP/Wide World Photos

After people are convicted of capital crimes, they await their sentences in high-security areas of prisons called "death row." Death row prison cells are small—usually about one pace wide and two paces deep. There is just enough room for a toilet, sink, and small bed.

THE "STATE" OF CAPITAL PUNISHMENT


Washington
Montana
North Dakota
Minnesota
Vermont
Maine
Oregon
Idaho
South Dakota
Wisconsin
West Virginia
New Hampshire
Massachusetts
Rhode Island
Connecticut
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Pennsylvania
New Jersey
Delaware
Maryland
District of Columbia
Nevada
Utah
Nebraska
Iowa
Illinois
Indiana
Ohio
Colorado
Kansas
California
Virginia
Missouri
Kentucky
Arizona
Tennessee
North Carolina
Oklahoma
Arkansas
New Mexico
South Carolina
Mississippi
Georgia
Alabama
Texas
Alaska
Louisiana
Florida
Hawaii
States with death penalty that have held executions since 1976
States with death penalty that have not held executions
States without death penalty

Source: NAACP Legal Defense and Educational Fund, Inc.

into a private home in the middle of the night to burglarize it; he was carrying a gun. He attempted to escape when William Micke, the owner of the house, awoke. Furman tripped and his gun discharged, hitting and killing Micke through a closed door. Furman was black; Micke was white.

In *Furman v. Georgia*, the Supreme Court did not rule that the death penalty was unconstitutional in all circumstances. Rather, the Court held that the states, to prevent discriminatory use of the death penalty, had to give judges and juries more guidance in capital sentencing. Executions across the country were suspended as a result of this ruling. In response, about three-fourths of the states and the federal government passed new death penalty laws. First because of popular opposition, then because of the *Furman* ruling, there were no executions in the United States from 1968 to 1977.

Upholding the Death Penalty. While reviewing new state death penalty laws in 1976, the Supreme Court finally decided whether the death penalty was inherently "cruel and unusual." In the case of *Gregg v. Georgia* (1976) the Supreme Court held that "the punishment of death does not invariably violate the Constitution." The Court noted that three-fourths of the state legislatures reenacted the death penalty after *Furman;* therefore, the death penalty was not "unusual" punishment. Justice Potter Stewart also pointed out that, besides deterrence, another argument in support of the death penalty was retribution, or paying a criminal back for the harm done.

> *In part, capital punishment is an expression of society's moral outrage at particularly offensive conduct. This function may be unappealing to many, but it is essential in an ordered society that asks its citizens to rely on legal processes rather than self-help to vindicate their wrongs.*

In dissent, Justice William Brennan repeated the arguments he had made against the death penalty four years earlier in *Furman*. Brennan questioned "whether a society for which the dignity of the individual is the supreme value can, without a fundamental inconsistency, follow the practice of deliberately putting some of its members to death. . . . Even the vilest criminal," said Brennan, "remains a human being possessed of common human dignity." Brennan argued that "the law has progressed to the point where we should declare that the punishment of death, like punishments on the rack, the screw, and the wheel, is no longer morally tolerable in our civilized society."

Having upheld the death penalty as constitutional, the Supreme Court next looked at how the death penalty was implemented in the Georgia law at issue in *Gregg*. The Georgia law tried to provide guidance to the jury's decisions by dividing a capital trial into two parts: the guilt phase and the sentencing phase. In the guilt phase, the judge or jury decided whether or not the accused was in fact guilty of the crime. In the sentencing phase, the judge or jury determined whether to condemn the convicted defendant to death based on two criteria set forth in the law: (1) aggravating circumstances, which made the crime more serious, and (2) mitigating circumstances, which lessened the seri-

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ousness of the crime. One aggravating circumstance, for example, was that the murder "was outrageously and wantonly vile, horrible, and inhuman." Among mitigating circumstances could be the background and character of the defendant.

The Georgia law was constitutional, said the Court in *Gregg*, because it helped limit the discretion of the judge and jury by giving them guidance. But in *Woodson v. North Carolina* (1976), the Court ruled that removing sentencing discretion altogether by making the death penalty mandatory in certain situations was "cruel and unusual" punishment. No discretion, held the Courts, was just as "cruel" as unguided discretion. The Eighth Amendment's fundamental respect for humanity required that judges and juries consider the character and record of the individual offender and the circumstances of the particular crime before sentencing the defendant to death. Finally, the Supreme Court ruled in 1994 that jurors must be told, in deciding whether a defendant should receive a life sentence or be executed, that a life sentence means that a convicted person would never be eligible for parole.

"Death is Different." Because death is the final and ultimate punishment, the Supreme Court has often required stronger procedural protections in death penalty cases than in noncapital crimes. The Supreme Court has heard many cases challenging the constitutionality of the death penalty under various circumstances, such as the following.

When the defendant is mentally disabled. In 1989, the Court held that "evidence of a national consensus against the imposition of the death penalty on murderers with mental deficiencies was insufficient to conclude that the Eighth Amendment bars it absolutely." In other words, the Supreme Court concluded that executing a mentally disabled person is constitutional in some circumstances.

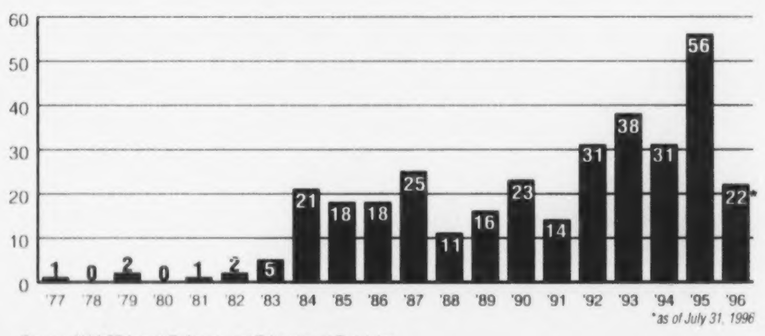
When the defendant is a juvenile. Also in 1989, the Court ruled that no "national consensus" existed against the death penalty for persons under 18, so the Eighth Amendment did not prohibit such executions. Furthermore, the Court added, executions of juveniles did not violate the "evolving standards of decency that mark the progress of a maturing society."

When killers of white people are executed more frequently. In *McCleskey v. Kemp* (1987), the defendant introduced statistical evidence indicating that killers of white people were 4.3 times more likely to receive the death penalty in Georgia than killers of black people. But the Court said that such statistics did not prove actual discrimination in McCleskey's case. The Court held that because "discretion is essential to the criminal justice process, we would demand exceptionally clear proof before we would infer that the discretion has been abused."

Cruel Methods of Execution. Even when the death penalty itself is constitutional, the method of execution may not be. In a 1985 dissenting opinion, Justice William Brennan described the standards a form of execution must meet to be allowed by the Eighth Amendment.

> *First and foremost, the Eighth Amendment prohibits "the unnecessary and wanton infliction of pain." . . . Thus in explaining the obvious unconstitutionality of such ancient practices as disemboweling while alive, drawing and quartering, public dissection, burning alive at the stake, crucifixion, and breaking at the wheel, the Court has emphasized that the Eighth*

NUMBER OF EXECUTIONS EACH YEAR



*as of July 31, 1996

Source: NAACP Legal Defense and Educational Fund, Inc.

Amendment forbids "inhuman and barbarous" methods of execution that go at all beyond "the mere extinguishment of life" and cause "torture or a lingering death."

Justice Brennan argued that electrocution, once the most common form of execution in the United States, failed this test for "cruel and unusual" punishment under the Eighth Amendment. For this reason, some states now use lethal injections instead of electrocution. Other methods of capital punishment include the gas chamber, firing squad, and hanging. As of 1996, thirty-two of the thirty-eight states with the death penalty used lethal injections for executions. However, of those thirty-two states, some used more than one method.

WHEN IS A DEATH SENTENCE FINALLY FINAL?

Since 1976, when the Supreme Court reinstated the death penalty, only 335 of the more than 3,000 prisoners on death row had been executed as of July 31, 1996. One reason for the small percentage of executions is the number of court appeals that are made in death penalty cases. Most capital cases originate in the states and can be appealed directly through the state court system. Although state systems differ, defendants can usually appeal their convictions and sentences within the state through two separate proceedings—direct appeal and state postconviction review. In addition, defendants can make indirect, or collateral, appeals of their sentences through the federal court system by arguing that their constitutional rights have been violated. These federal appeals, known as petitions for the writ of habeas corpus, can last many years.

In 1991, the Supreme Court limited the number of federal habeas corpus appeals that can be filed by death row prisoners. The Court ruled in *McCleskey v. Zant* (the same McCleskey as in the 1987 case of *McCleskey v. Kemp*) that, except in extraordinary circumstances, a death row inmate is limited to just one federal habeas corpus petition. Allowing any more than that would result in abuse of habeas corpus appeals, said the Court, and would interfere with the "orderly administration of justice." The Court also decided in 1991 that if prisoners fail to follow the rules for state appeals, even if the mistake was their lawyers', they cannot file a federal habeas corpus appeal.

Supporters of the Court's decisions claimed that the death penalty had been losing its deterrent effect on violent crime because the drawn-out appeals process allowed too much time between sentencing and execution. Critics of the decisions argued that the Court was denying constitutional rights to those who needed them most: death row inmates. They contend that the appeals process, however unwieldy, is necessary to ensure that innocent people do not face execution.

Office of Governor Pataki

New York Governor George Pataki ran for office on a platform that included a promise to reinstate the death penalty in New York. In 1995, he kept his promise: A capital punishment law went into effect. However, experts say that it may take years before a person is successfully convicted, sentenced, and executed under New York's law.

COSTS OF CAPITAL PUNISHMENT

In recent years, the debate over capital punishment has shifted from whether it is constitutional to whether it is efficient or even workable. While the number of death row inmates in the United States continues to climb above 3,000, only about 1 to 2 percent of those prisoners are put to death each year. That means that the population on death row is steadily increasing with no sign of abatement in the future. Most Americans—death penalty advocates and opponents alike—believe that the system needs to be changed. Of course, both groups suggest different solutions. Supporters of capital punishment think that the amount of time between sentencing and execution needs to be trimmed, along with the rising costs involved in appeals. Critics, on the other hand, argue that the death penalty cannot be fairly administered without the prolonged appeals process and high costs. If these costs cannot be sustained, they contend that the death penalty should be abandoned altogether.

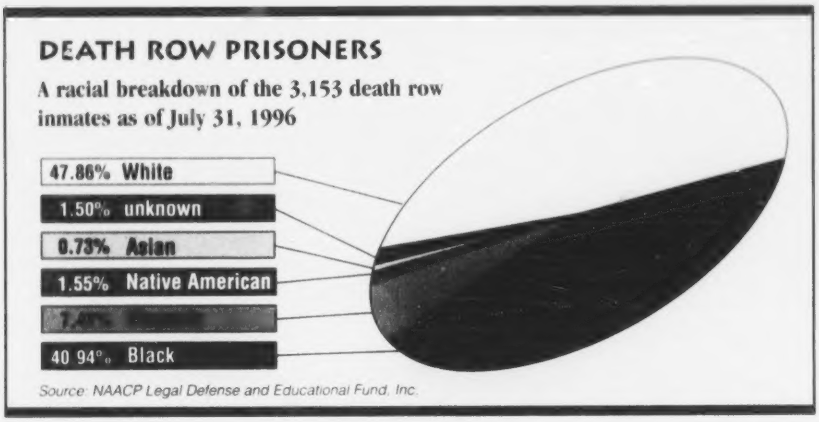
Strains on the Courts. In the case that struck down mandatory death penalty sentences (*Woodson v. North Carolina*, 1976), the Supreme Court stated that "The penalty of death is qualitatively different from a sentence of imprisonment, however long. Because of that qualitative difference, there is a corresponding difference in the need for reliability." This "need for reliability"—that is, executing only those who are guilty—has required a complex web of intricate laws, mind-boggling appeals procedures, and ever more finely crafted legal interpretations by the courts. This process, instituted by the Supreme Court, has resulted in an extraordinary strain on the judiciary.

After the death penalty was reinstated in 1976, a seemingly endless stream of cases challenged the new capital punishment laws in both state and federal appeals courts. Even though the Supreme Court has helped refine those laws over the last twenty years, the appeals have not eased because the number of prisoners on death row has increased. As a result, both state and federal courts are overwhelmed with death penalty cases. For example, the Florida Supreme Court spends about 40 percent of its time reviewing capital cases. The federal appeals court that oversees that state, the Eleventh Circuit Court of Appeals, reportedly spends about one-third of its resources on death penalty cases.

Such pressures have also reached the Supreme Court. In 1984 the Court wrote that in trying to impose the death penalty fairly, it was straining under the pressure of numerous applications to stay executions. One justice noted that the Court had "dramatically expedit[ed] its normal deliberative process to clear the way for an impending execution." Many people agree that these pressures create a circus-like atmosphere that undermines not only a court's ability to consider every case thoroughly, but also the public's confidence in the judiciary.

Critics of capital punishment argue that the enormous time and energy spent in such cases harms the efficiency of the judicial system in other kinds of cases, such as other criminal and civil proceedings. They think that is one reason the courts should abandon the death penalty. However, supporters of the death penalty state that the overwhelming workloads involved with such cases simply prove that the system needs to be made more efficient, not that the death penalty is wrong altogether.

Government Costs. State and federal governments incur enormous costs in capital cases. First, they must pay for the defendant's imprisonment, which can last ten years or more throughout the appeals process. They also fund the prosecutors who argue the state's case against the defendant. In addition, many people on death row cannot afford to hire their own lawyer for their appeals, so they must rely on public defenders, whose fees are also paid by the government. With each appeal, costs to the taxpayers increase. In 1993, a Duke University study reported that the cost per execution in North Carolina was $2 million. That figure includes the



DEATH ROW PRISONERS

A racial breakdown of the 3,153 death row inmates as of July 31, 1996

Source: NAACP Legal Defense and Educational Fund, Inc.

expenses for capital cases that did not result in executions. Imprisoning a person for life without parole, at an average of $25,000 per year, costs only part of that $2 million. Moreover, in fiscal year 1994 alone, the federal government paid more than $15 million to public defenders in capital habeas corpus appeals. Many people argue that these costs cannot be sustained in an era in which the public seems intent on reducing both federal and state budget deficits.

CAPITAL PUNISHMENT AND CONGRESS

While the Supreme Court has acted to limit federal appeals in capital cases, another branch of government, Congress, has passed new laws expanding the death penalty.

The 1994 Anti-Crime Bill. Despite the existence of capital punishment laws in thirty-eight states, violent crime has remained a pressing issue on the national agenda. In the Omnibus Anti-Crime Bill signed into law in 1994, Congress increased the number of crimes for which capital punishment can be sought. Prior to this law, the number of people sentenced to die in the United States had already increased 160 percent from 1982 to 1994. As a result of this new statute, some experts predict an even greater increase in the number of death row inmates, a trend that foreshadows more appeals and longer delays in executions.

While many critics of capital punishment were angry that dozens more crimes could be punished by execution, they approved of other provisions in the same bill. For instance, the 1994 anticrime legislation bars the federal government from executing persons who were under the age of 18 at the time of the offense, those who are mentally disabled, and pregnant women.

Death Penalty Resource Centers. As the U.S. population of condemned citizens has multiplied, the government has favored policies that attempt to quicken the pace of executions and save money. Traditionally, low-income Americans facing the death penalty have turned to public defenders to carry out their federal appeals. These public defenders have been funded by the government through a system of twenty legal offices called death penalty resource centers.

In 1995, Congress reduced its funding of these death penalty centers. Supporters of capital punishment say that by cutting off funding for these centers, the government has reduced the avenues for what they believe are frivolous appeals. South Carolina's Attorney General Charlie Condon said, "These lawyers [at death penalty resource centers] have become lobbyists whose only goal is to stop executions at any cost." Without the resource centers, supporters argue that violent criminals will be less likely to be released back into society. Thus, they believe that such crimes will decrease.

Critics, however, state that these centers provide an expertise that other lawyers do not have. In addition, they say that hiring private lawyers to replace lawyers from death penalty centers will probably end up costing the government twice as much. Critics point out that low-income Americans already lack good legal resources and are therefore more likely to end up on death row. As one opponent of the death penalty has said, "People aren't sentenced for committing the worst crimes; they're sentenced for having the worst lawyers." Without these centers, critics argue even more prisoners will have inadequate defense, and innocent people will probably be executed.

Antiterrorist Legislation. In 1996, Congress passed an antiterrorism bill in response to the bombing of the federal building in Oklahoma City the previous year. One provision of this law limits prisoners condemned to death to only one federal habeas corpus appeal, which must be filed within a year of his or her sentencing. In support of this legislation a politician from California said, "It is time that federal courts stopped second-guessing state courts and constantly reopening cases." Lawmakers hope that this act will help reduce the number of federal appeals in capital cases and decrease the overall costs and time between sentencing and execution. Therefore, supporters contend that this law will help deter violent crime. Victims' rights groups applaud such measures because they say that under these terms they will receive more even-handed justice—justice that considers the rights of victims as well as the rights of the accused.

Critics say the law makes it too difficult for federal courts to overturn state court rulings and thus represents the de facto end of a historic constitutional right. Gregory Nojeim of the American Civil Liberties Union said the antiterrorism law "add[s] the Bill of Rights to the list of casualties in the Oklahoma City bombing." Opponents of the antiterrorism law stress that capital defendants file only about 1 percent of the federal habeas petitions each year, and that state appeals—not federal habeas corpus appeals—account for most of the delays in the capital punishment process. Critics also point out that when defendants have taken their appeals to the federal courts, 40 percent of all death sentences have been overturned. They say this is proof that the appeals process is essential to ensure that innocent people do not die at the hands of the government. They further argue that if the government says it can no longer afford these protective procedures, it should abolish capital punishment altogether rather than risk executing innocent citizens.

ONE CASE: TWO VIEWS

A recent case highlights the arguments on both sides of the death penalty issue—the costs associated with delayed executions versus the risks of killing innocent citizens through swift justice.

Joseph "Crazy Joe" Spaziano. The case of Joseph Spaziano also reveals the complexity of death penalty laws as well as the difficulties juries can face in deciding whether someone is guilty of violent crime.

In 1995, Joseph Spaziano had been on Florida's death row for twenty years awaiting execution for mutilating and killing a young hospital worker, Laura Harberts, in 1973. "Crazy Joe," so called because he suffered head injuries in a 1966 auto accident, had difficulty recalling the details of his actions in the year of the murder. In his 1975 trial, the jury was deadlocked, but they finally found Spaziano guilty largely because of the testimony of a 16-year-old boy, Tony DiLisio. After being hypnotized twice, DiLisio testified that Spaziano took him to a remote dump, showed him Harberts's body, and confessed to the murder. No one saw Spaziano kill Harberts. Although the jury recommended a life sentence in prison, the judge overruled it and sentenced Spaziano to death.

Since Spaziano's conviction, testimony in other cases based on hypnotized witnesses has been discredited. But because Spaziano was convicted under earlier laws, his sentence was not overturned. The Florida Supreme Court reviewed and upheld the decision four times; the U.S. Supreme Court upheld it twice. In June 1995, Governor Lawton Chiles halted the imminent execution of Joe Spaziano because the state's key witness recanted. Tony DiLisio claimed that the events he remembered while under hypnosis were not true. He said that police and investigators "refreshed" his memory with hypnosis and planted details of a Spaziano confession in his mind. He claimed that he had been to the dump, but that investigators had taken him there, not Spaziano. Officials were unsure which DiLisio story to believe.

Ultimately, Spaziano was granted a retrial, which has not yet taken place. Death penalty opponents state that Spaziano should not have been

The Virginian-Pilot
Slayer's innocence argued on Internet

AP/Wide World Photos

In early 1996, Hollywood released the Academy Award-winning film *Dead Man Walking*, which reignited the death penalty debate. It was based on the 1993 book of the same title by sister Helen Prejean, pictured here, a nun who has been a spiritual adviser to five men on Louisiana's death row and a tireless opponent of the death penalty.

CASE STUDY

THE SUPREME COURT DEBATES THE DEATH PENALTY

In February 1994, a Supreme Court order denied a review of the Texas death penalty case of *Callins v. Collins*. This event prompted Justice Harry Blackmun, who had been a longtime supporter of capital punishment, to issue a dissenting opinion wherein he renounced support for the death penalty altogether. In a separate opinion agreeing not to review *Callins*, Justice Antonin Scalia wrote a rebuttal of Blackmun's arguments. Excerpts from their opinions follow.

JUSTICE HARRY BLACKMUN

National Geographic Society

Twenty years have passed since this Court declared that the death penalty must be imposed fairly, and with reasonable consistency or not at all (see *Furman v. Georgia*, 1972), and despite the effort of the states and courts to devise legal formulas and procedural rules to meet this daunting challenge, the death penalty remains fraught with arbitrariness, discrimination, caprice, and mistake. . . .

To be fair a capital sentencing scheme must treat each person convicted of a capital offense with that "degree of respect due the uniqueness of the individual." That means affording the sentencer the power and discretion to grant mercy in a particular case, and providing avenues for the consideration of any and all relevant mitigating evidence that would justify a sentence less than death.

Reasonable consistency, on the other hand, requires that the death penalty be inflicted evenhandedly, in accordance with reason and objective standards, rather than by whim, caprice, or prejudice. . . .

On their face, these goals of individual fairness, reasonable consistency, and absence of error appear to be attainable. . . . Yet, in the death penalty area, this Court, in my view, has engaged in a futile effort to balance these constitutional demands. . . .

Experience has shown that the consistency and rationality promised in *Furman* are inversely related to the fairness owed the individual when considering a sentence of death. A step toward consistency is a step away from fairness. . . .

It surely is beyond dispute that if the death penalty cannot be administered consistently and rationally, it may not be administered at all. . . .

From this day forward I no longer shall tinker with the machinery of death. For more than twenty years I have endeavored—indeed, I have struggled, along with a majority of this Court—to develop procedural and substantive rules that would lend more than the mere appearance of fairness to the death penalty . . . . Rather than continue to coddle the Court's delusion that the desired level of fairness has been achieved, . . . I feel morally and intellectually obligated simply to concede that the death penalty experiment has failed.

JUSTICE ANTONIN SCALIA

Supreme Court Historical Society

Justice Blackmun dissents . . . with a statement explaining why the death penalty "as currently administered," is contrary to the Constitution of the United States. That explanation often refers to "intellectual, moral, and personal" perceptions, but never to the text and tradition of the Constitution. . . . The Fifth Amendment provides that "[n]o person shall be held to answer for a capital . . . crime unless on a presentment or indictment of a Grand Jury, . . . nor be deprived of life . . . without due process of law." This clearly permits the death penalty to be imposed, and establishes beyond doubt that the death penalty is not one of the "cruel and unusual punishments" prohibited by the Eighth Amendment.

As Justice Blackmun describes, however, over the years since 1972 this Court has attached to the imposition of the death penalty two quite incompatible sets of commands: the sentencer's discretion to impose death must be closely confined (see *Furman v. Georgia*, 1972), but the sentencer's discretion not to impose death (to extend mercy) must be unlimited (*Eddings v. Oklahoma*, 1982; *Lockett v. Ohio*, 1978). These commandments were invented without benefit of any textual or historical support. [Those decisions] have been made part of what is called "the Court's Eighth Amendment jurisprudence."

Though Justice Blackmun joins those of us who have acknowledged the incompatibility of the Court's *Furman* and *Lockett-Eddings* lines of jurisprudence . . . he unfortunately draws the wrong conclusion from the acknowledgment.

Surely a different conclusion commends itself, . . . that at least one of these judicially announced irreconcilable commands . . . must be wrong.

Convictions in opposition to the death penalty are often passionate and deeply held. That would be no excuse for reading them into a Constitution that does not contain them, even if they represented the convictions of a majority of Americans. Much less is there any excuse for using that course to thrust a minority's views upon the people. . . .

If the people conclude that such . . . brutal deaths may be deterred by capital punishment; indeed, if they merely conclude that justice requires such brutal deaths to be avenged by capital punishment; the creation of false, untextual and unhistorical contradictions within "the Court's Eighth Amendment jurisprudence" should not prevent them.

AP/Wide World Photos

Because evidence can be imperfect or manipulated, innocent people can sometimes face conviction and death row. In 1975, Joe Spaziano, pictured here, was convicted of murder and sentenced to die. Twenty years later, a judge ruled that testimony from the trial was questionable and granted Spaziano a new trial.

sentenced to death based on such flimsy evidence in the first place. They point out that if Spaziano had been given fewer appeals, he might have been executed before DiLisio changed his testimony. Critics also assert that Spaziano's case is not that unusual. They have identified at least twenty cases since the 1970s in which men have been sentenced to die, but later have been proven innocent. Although death penalty laws and procedures have tried to eliminate chances for error, opponents of capital punishment point out that the people involved—prosecutors, judges, witnesses, and investigators—are not infallible. In several cases the prosecution deliberately withheld evidence that would have proven the defendant innocent. In other examples, testimony such as DiLisio's has been proven false.

Supporters of capital punishment point out that executions of innocent people are rare. They argue that accusations of prosecutorial misconduct are exaggerated by opposition groups to advance their cause. Many observers state that Spaziano's twenty years on death row illustrates the problems of the current appeals system. Not only has justice for the victim's family been repeatedly delayed, but the costs of such a case are astronomical.

Proponents of the death penalty further state that Americans need to have an efficient capital punishment system to promote faith in their judicial system and in society's moral fiber. Otherwise, they fear that citizens will resort to seeking their own revenge outside the legal system, thereby creating chaos. They believe that the system must carry out justice more swiftly in order to deter murderers. Supporters of capital punishment assert that a modified death penalty system would protect the vast majority of Americans by providing a fair sentence for the worst of today's violent crimes.

A FLOOD OF CAPITAL CASES

Although the majority of Americans support capital punishment, current trends may test their faith. As more and more capital prisoners must be housed, prosecuted, defended, appealed, and executed, the costs are likely to strain state and federal coffers—and possibly the public will. On the other hand, if the current rate of violent crime continues, support for the death penalty may grow. If so, the public may urge the government and the courts to further amend the death penalty system so that it provides swifter justice at lesser costs. Under these conditions, supporters contend that the death penalty may also become a greater deterrent to violent crime.

In the final analysis, the judiciary is the body most enmeshed in the capital appeals process. State and federal appeals courts are struggling under the burden of current capital procedures that seek to be certain—beyond a shadow of a doubt—that the person sentenced to die is indeed guilty. Other kinds of court cases, in the eyes of many, are being shortchanged. Moreover, in the scramble to assess last-minute stays of execution, the courts are thrown into upheaval and chaos. Recognizing these trying circumstances, Americans have begun to question the effectiveness of the judicial system as a whole. Ultimately, the Supreme Court and the American people may have to decide if capital punishment—a major factor in this chaos—should be changed or abandoned. Whatever their final assessment, the overarching goal is to enable the courts to carefully consider all cases, and to promote faith in the fairness and reliability of the American judicial system.

Portions of this case study have been adapted from *The Bill of Rights: A User's Guide* (second edition).

CHAPTER 6

THE MEDIA

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The First Amendment protects freedom of the press, thus giving the media a special status in American government. Some people claim that the media have become the "fourth" branch of government, rivaling the three official branches in political power. Indeed, the media exert tremendous influence in their daily reporting and, by deciding what stories to cover, help set the national agenda. The articles in this chapter examine the role the media play in a democratic society.

Marvin Kalb, a former network news correspondent and the director of the Joan Shorenstein Barone Center on the Press, Politics, and Public Policy at Harvard University's Kennedy School of Government, believes the "free press is the guarantor of a free society." Kalb points out that the press is the only private business to receive special protection in the Constitution, largely because of its crucial role as a watchdog on government.

However, the public's distrust of the press often rivals its distrust of politicians. James Fallows, editor of *U.S. News & World Report* and media critic, argues that too many journalists have become engrossed in sensationalistic stories and too preoccupied with improving their own celebrity. Fallows believes that this trend not only damages journalism, but also feeds on public cynicism, further undermining Americans' faith in government.

Few mediums are more volatile and influential than talk radio. The number of nationally-known talk radio personalities has multiplied in the 1990s. Rush Limbaugh, Don Imus, and Oliver North, to name just a few, reach millions of listeners every day. Radio talk show host Diane Rehm warns that, although radio can be a truly constructive medium, many irresponsible voices have taken to the airwaves, spreading fear and misinformation. Because so many Americans get most of their news

Divider Photo Credit—Bill Fitzpatrick/The White House

and information from radio, Rehm believes it is crucial that radio show personalities offer fair and accurate presentations of public policy issues.

Thorough and fair discussion of the issues depends a great deal upon newsrooms reflecting the racial diversity of the country, according to Steve Montiel of the Maynard Institute for Journalism Education. Montiel believes that the media will continue to ignore the complex issues that undergird racial problems in the United States unless there is more minority representation in broadcast and print media. As pioneering African-American journalist Robert Maynard said, "Our goal should be to give all Americans front-door access to the truth."

A recent revolutionary development in American democracy is the unprecedented access to government institutions and leaders new telecommunications media have given the public, creating what Lawrence Grossman calls an "electronic republic." These new technologies are amplifying the voice of the people and placing them virtually in the middle of the decisionmaking process in the halls of government. What is left to be seen, says Grossman, is whether the people will use the electronic republic to become informed and active citizens or "isolated individuals pursuing their own ends."

One key feature of an electronic republic is the "information age" presidential campaign. Television, the focus of this chapter's case study, continues to be the dominant medium candidates use to communicate their messages. Beginning with Dwight Eisenhower's successful presidential campaign in 1952, television has been a formidable weapon in most major candidates' pursuit of the presidency. While experts debate whether its prominence has led to the "dumbing down" of political discourse, television's impact will undoubtedly be felt throughout campaigns in 2000 and beyond.

In today's age of instant communications, the media have much more power than they did in 1791 when the First Amendment was ratified. Yet their role has remained essentially the same: to check the power of the government by keeping citizens informed. Although some argue the media are too powerful and irresponsible, Marvin Kalb quotes veteran journalist David Brinkley: "Numerous politicians have seized absolute power and muzzled the press. Never in history has the press seized absolute power and muzzled the politicians."

REP. BILL McCOLLUM
R-FLORIDA

Close Up Foundation/Renee Bouchard

© Martha Stewart

Marvin Kalb

is the director of the Joan Shorenstein Barone Center on the Press, Politics, and Public Policy at the John F. Kennedy School of Government of Harvard University. Over a thirty-year career, he served as a correspondent for CBS News and NBC News, as well as moderator for Meet the Press.

THE VALUE OF A FREE PRESS

The public should know the value and importance of a free press. Much will flow from that simple realization. It is my view that a free press is the guarantor of a free society. One is inescapably linked to the other.

Thomas Jefferson, reflecting one day (when he was not president of the United States) on an oddly formulated question about whether he'd prefer a government without newspapers, or newspapers without a government, chose the latter, assuming (I think, rightly) that a government without newspapers would be a cruel, repressive, and unwelcome power, unable to be checked by any other countervailing force, pressure, or influence. Jefferson, and many others of his exceptional generation of visionary politicians, believed that the press was the best means of protecting the governed, the people, from the exercise of arbitrary power by the governor, which, in their view, was always a possibility.

Jefferson never thought of the press as a flawless institution. Indeed, when he was president, he regularly denounced the press, especially the opposition press.

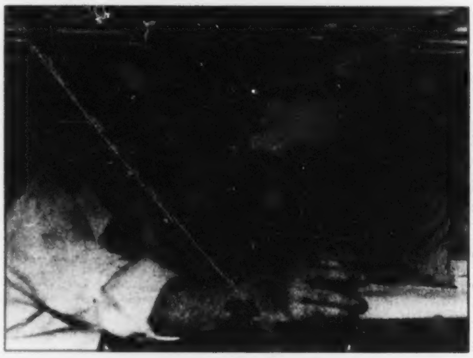
But, with all its blemishes, its occasional lapses into bad judgment and taste, its mistakes, its capricious intrusion into the private lives of public officials, the press was seen as crucially important, enough to persuade the founders that, though it was a business, in a sense like any other pursuing profits, it deserved special protection. In no less a document than the First Amendment of the U.S. Constitution, the principle of a free press, linked to free speech, was drafted and included, the only business so coddled. Over the years the Supreme Court has breathed legal life into this concept until today a free press is often heralded as the guardian of all of the other freedoms enjoyed by the American people, and others around the world.

And yet there is the question: Would the First Amendment, if presented to the people of the United States today, be approved and ratified? Polls strongly suggest that the answer is no—that there is a growing disillusionment with what suddenly seems to be the unchecked power of the press. What an extraordinary irony! It was the press, after all, that was supposed to keep an eye on the unchecked power of the president, the Congress, and the courts. The late Alan Barth of *The Washington Post* defined the press as a "watchdog"—a barking watchdog at that—always on guard against the possibility of unfair and unjust encroachments by the government. His view was that, on occasion, the watchdog might mistake his mission and bark at an innocent mailman, but better, in his view, to bark mistakenly at the mailman than not to bark at the intrusion of a thief.

This is a sophisticated argument, often ignored these days, as perceptions of the press change. As its power has grown, there are more questions about its proper function in a free society. Lost in the argument is the original purpose of a free press.

What's happened?

For one thing, with the expansion of their technological reach, the press and television—the media, as they're called these days—have become 800-pound gorillas, dominating the political process and playing an increasingly commanding role in our social and cultural lives. Television shapes the environment in which we live. The lens is everywhere, from the bedrooms of presidential hopefuls to the classrooms, boardrooms, and staterooms. Reporters always seem to be asking outrageous questions, poking into everyone's privacy—even a prospective justice of the U.S. Supreme Court. Can any American ever forget the testimony we heard and the pictures we saw during Clarence Thomas's confirmation hearings? Or the "feeding frenzy" that surrounded Bill Clinton's run for the presidency in 1992 once a supermarket tabloid ran sensationalist charges about his sex life?


Washington Post Reprinted by the permission of the D.C. Public Library.

In 1972, while most other news organizations ignored the story, *Washington Post* reporters Carl Bernstein (left) and Bob Woodward slowly revealed the facts surrounding the Watergate break-in and the cover-up by the White House. Their stories led to the resignation of President Richard Nixon in August 1974.

The world is now wired. Whereas even, say, at the turn of the century, a war in Asia would not touch or affect the American people for days or weeks, now a similar war is on the Cable News Network (CNN), often "live." The president is called upon to respond "live." The United States, the sole surviving superpower in the world, is immediately engaged. There is no escape.

In this kind of world, with hair-trigger turns of fortune lying just around the bend, does it still make sense for the press to be so . . . autonomous, independent, sassy? Should there not be some rethinking, even revision, of the First Amendment to "impose" some responsibility upon the press? After all, not even Thomas Jefferson could have imagined CNN.

My answer, open to debate, is that while the press's role and responsibility have of course changed in the past two hundred or so years, its principal function has remained the same. It is still the only check outside of government that can "blow the whistle" on the government. The Constitution established a system of checks and balances involving primarily the three branches of government—the executive, the legislative, and the judicial. But the Constitution wisely added an additional check, outside of this troika of power, to keep a close watch on how the system of checks and balances is working. That was the press, a free and unfettered press.

Think for a moment about how the system would work without a free press. How would a presidential election be covered? How would a war be covered? How would the American people have known about Watergate without a Woodward and Bernstein, both of *The Washington Post?* Indeed, how would the American people know about anything without a free press?

Television anchor David Brinkley once balanced the relative capacity of the press to do in the politician, and the politician to do in the press. He concluded: "Numerous politicians have seized absolute power and muzzled the press. Never in history has the press seized absolute power and muzzled the politicians."

Think.

Close Up Foundation/Renée Bouchard

James Fallows *is the editor of* U.S. News & World Report. *He is also a weekly commentator for National Public Radio and has written a number of books, including* Looking at the Sun, More Like Us, *and* National Defense.

HOW THE MEDIA UNDERMINE DEMOCRACY

Americans have never been truly fond of their press. Through the last decade, however, their disdain for the media establishment has reached new levels. Americans believe that the news media have become too arrogant, cynical, scandal-minded, and destructive. Public hostility shows up in opinion polls, through comments on talk shows, in waning support for news organizations in their showdowns with government officials, and in many other ways.

The most important sign of public unhappiness may be quiet consumers' boycott of the press. Year by year, a smaller proportion of Americans goes to the trouble of reading newspapers or watching news broadcasts on TV. This is a loss not only for the media but also for the public as a whole. Ignoring the news leaves people with no way to prepare for trends they don't happen to observe themselves, no sense of what is happening in other countries or even other parts of their town, no tools with which to make decisions about public leaders or policies. Evidently many people feel that these losses represent a smaller sacrifice than being exposed to what the news offers.

LOSING SIGHT OF CENTRAL VALUES

In response to suggestions that the press has failed to meet its public responsibilities, the first instinct of many journalists is to cry "First Amendment!", which is like the military's reflexive use of "national security" to rebut outside criticism of how it does its work.

Criticize reporters or editors for their negativity, and you will be told that they are merely reflecting the world as it is. Objecting to news coverage, they say, is merely "blaming the messenger"; the press claims no responsibility for the world that it displays. Accuse a publication of left-wing bias and its editors will reply that they are often accused of being right-wing too—or of being problack, or antiblack, or probusiness, or nuttily proenvironment, or of being biased in every other conceivable way. Say that coverage is shallow or sensationalistic, and reporters will reply that they are already serving up more extensive, thoughtful news analysis than a lazy public will bother to read. If they don't feature crime and gore on the local TV news or run celebrity profiles in the paper, they'll lose their audience to competitors that do.

There is some truth in journalism's complaints and excuses. But the larger truth is that the most influential parts of the media have lost sight of or have been pushed away from their central values.

DAMAGING THE POLITICAL SYSTEM

Everyone knows that big-time journalists have become powerful and prominent. We see them shouting at presidents during White House press conferences. We hear them offering instant thumbs up/thumbs down verdicts a few seconds after a politician completes a speech. We know that they swarm from one hot news event to the next—from a press conference by Gennifer Flowers, to a riot site in Los Angeles, to congressional hearings on a Supreme Court nominee, to the arraignment of Tonya Harding.

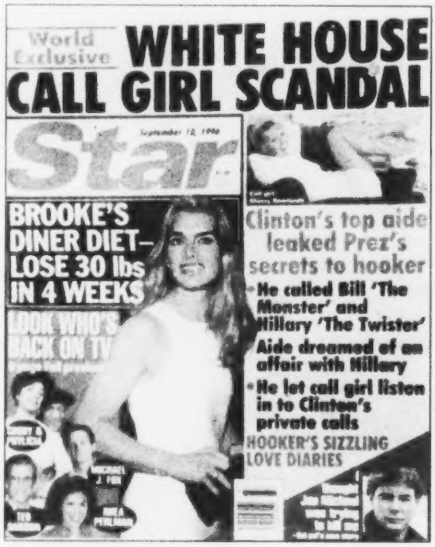
The more prominent today's star journalists become, the more they are forced to give up the essence of real journalism, which is the search for information of use to the public. The effects of this trade-off are the greatest at the top of the occupational pyramid, which is why the consequences are so destructive. The best-known and best-paid people in journalism now set an example that erodes the quality of the news we receive and threatens journalism's claim on public respect.

The harm actually goes much further than that, to threaten the long-term health of our political system. Step by step, mainstream journalism has fallen into the habit of portraying public life in America as a race to the bottom, in which one group of conniving, insincere politicians ceaselessly tries to outmaneuver another. The great problem for American democracy in the 1990s is that people barely trust elected leaders or the entire legislative system to accomplish anything of value. The politicians seem untrustworthy while they're running, and they disappoint even their supporters soon after they take office. By the time they leave office they're making excuses for what they couldn't do.

Issues that affect the collective interests of Americans—crime, health care, education, economic growth—are presented mainly as arenas in which politicians can fight. The press is often referred to as the fourth branch of government, which means that it should provide the information we need so as to make sense of public problems. But far from making it easier to cope with public challenges, the media often make it harder. By choosing to present public life as a contest among scheming political leaders, all of whom the public should view with suspicion, the news media helps bring about that very result.

COMPETING WITH THE TABLOIDS

While creating new obstacles for American politics, today's media outlets have also put themselves in an impossible position. They increasingly present public life mainly as a depressing spectacle, rather than as a vital activity in which citizens can and should be engaged. The implied message of this approach is that people will pay attention to public affairs only if politics can be made as interesting as the other entertainment options available to them, from celebrity scandals to the human melodramas featured on daytime talk programs. In attempting to compete head-to-head with pure entertainment


World Exclusive
WHITE HOUSE CALL GIRL SCANDAL
Star
September 12, 1996
BROOKE'S DINER DIET—LOSE 30 lbs IN 4 WEEKS
LOOK WHO'S BACK ON TV
Clinton's top aide leaked Prez's secrets to hooker
• He called Bill 'The Monster' and Hillary 'The Twister'
• Aide dreamed of an affair with Hillary
• He let call girl listen in to Clinton's private calls
HOOKER'S SIZZLING LOVE DIARIES
MICHAEL J. FOX
TED DANSON
RHEA PERLMAN

Close Up Foundation/Renee Bouchard/Courtesy of *Star*

Tabloid journalism has become increasingly influential in the 1990s. In August 1996, the *Star* tabloid (left) reported that Dick Morris, political adviser to President Clinton, had a yearlong relationship with a prostitute. Morris resigned and the scandal became one of the biggest stories of the 1996 presidential campaign.

BEST COPY AVAILABLE

AP/Wide World Photos

In July 1996, journalist Joe Klein, pictured here, admitted to being the anonymous author of *Primary Colors*, a satirical novel based on the 1992 Clinton campaign. Because he had previously lied when asked about his involvement, many of his peers said Klein had undermined his own credibility, as well as that of American journalism as a whole.

programs, the "serious" press locks itself into a competition in cannot win. Worse, it increases the chances of its own eventual extinction.

Tremendous potential power comes with being a reporter. You have the negative power to say things about other people, in public, to which they can never really respond in kind. You have the positive power to expand other people's understanding of reality by bringing new parts of the world to their notice. Taking this power seriously means taking your calling seriously, which in turn means recognizing the impact of the tool or weapon in your hands.

Like teachers, soldiers, nurses, or parents, journalists perform a job whose full value is not represented in their pay. When they do their jobs well, many people benefit. When they do their jobs poorly, when they are irresponsible about their power, the damage spreads further than they can see.

The institution of journalism is not doing its job well now. It is irresponsible with its power. The damage has spread to the public life Americans all share. The damage can be corrected, but not until journalism comes to terms with what it has lost.

From *Breaking the News* by James Fallows. Copyright © 1996 by James Fallows. Reprinted by permission of Pantheon Books, a division of Random House, Inc.

Claire Flanders

Diane Rehm *has been a radio talk show host in Washington, D.C., since 1979.* The Diane Rehm Show *is syndicated to public radio stations across the United States.*

TALK RADIO AND THE PUBLIC DIALOGUE

During a panel discussion on politics and the media at Brown University in March 1995, a woman in the audience stood up to tell me why talk-show host Rush Limbaugh was such an important source of information for her. "Just recently," she said, "he read an article from *The New York Times* on the air and dissected it to demonstrate to his listeners that it was filled with liberal bias." I responded by saying that although I respected her right to choose to listen to Limbaugh, I was disappointed that she had not bothered to read the *Times* article and interpret it for herself.

This is the infectious world of talk radio, to which many people now turn not only for the bulk of their information but for direction as well. Interpretation is then passed on as though it were fact.

In contrast to reporters or analysts whose words were once passed through a gauntlet of editors and fact-checkers, an increasing number of hosts attract listeners by touting their own views on "hot-button" issues—government, discrimination, gun control, affirmative action, conspiracies of the left or right and so on—and ridiculing those who disagree with them.

Many talk-show hosts today are hired not on the basis of proven broadcast skills or experience but because of name recognition and the ability to be provocative. Oliver North was convicted as a felon for his role in the Iran/*contra* scandal before the charges against him were dismissed on a technicality. After his failed race for the U.S. Senate, North landed a spot on a talk-radio station in Washington and was promptly syndicated around the country. G. Gordon Liddy of Watergate fame is another who got his microphone mainly because he had a big name and was willing to say incendiary things. Liddy's infamous remarks about shooting at federal agents and using the president and First Lady for target practice have been widely criticized, but those same comments did not prevent him from winning a freedom of speech award from the National Association of Radio Talk Show Hosts.

Others who have recently entered the talk-show field with instant name recognition include three former governors: Mario Cuomo of New York, now doing a weekly Saturday morning stint after losing his job in the Republican election sweep of 1994; Douglas Wilder of Virginia, who tried his hand at both radio and television (his talk show has recently been dropped); and Jerry Brown of California. As former politicians, these people are comfortable espousing their views in public forums. Listeners seem equally pleased to have direct access to people whose names have been on the front pages of national newspapers.

AP/Wide World Photos

Rush Limbaugh is one of the most famous talk radio personalities in America. Many political experts credit his program with helping build opposition to Bill Clinton and the Democrats in Congress that resulted in the Republican election victories in 1994. Critics argue that Limbaugh and many other talk radio hosts—conservative and liberal—promote anger and cynicism, not reasonable, well-informed discussions of the issues.

In today's talk radio, it is not just the hosts who are changing. During the seventeen years I have been on radio in the nation's capital, listeners to talk radio have become more sophisticated, more prepared to use the medium for their own purposes. Instead of asking questions, many callers make statements. Rather than seek information, they challenge experts. Lobbyists for environmental causes, gun ownership, or abortion rights call in, knowing that their arguments, once aired, will become part of the public debate. The airwaves become pathways for the spread of information and opinion, accurate or otherwise.

Many of us speak with pride about providing free access to the airwaves for all who want to comment on every aspect of our lives together. But all of us worry, or should worry, that increasingly talk radio is becoming a mechanism through which the public's worst suspicions are confirmed daily.

Some talk-show hosts actively encourage the spreading of unconfirmed rumors, such as those surrounding the suicide of White House lawyer Vincent Foster. But even those of us who make an active effort not to be promulgators of wild speculation cannot always control our guests or callers. In May 1995, for example, I interviewed Sarah McClendon, who operates a one-woman news service she founded fifty years ago. During our live on-air conversation, Sarah declared: "I think there's a death squad at the FBI. . . ." She went on to say, "I'm quite positive [Vincent] Foster was murdered." And later, "I know one woman who says she knows a man who worked with the FBI and the CIA, worked with both of 'em. And he says, 'We've killed him.'"

I was so taken aback that all I could do was gasp, "That's really quite a charge. That's really quite a charge, Sarah." In retrospect, I should have asked whether she had proof to back up her accusations, rather than let the statement go unchallenged.

Talk radio is a volatile medium. Immediately after the Oklahoma City bombing, the talk shows were filled with the rage of listeners and hosts around the country who believed the blast had been carried out by foreign nationals. That belief fed into renewed calls for refusing entry to most foreigners. Then came the news that the bombing was more likely the work of Americans. Attention then shifted toward the astounding growth of militias in this country and of groups vocal in expressing a hatred toward the federal government primarily rooted in their opposition to gun control and taxes.

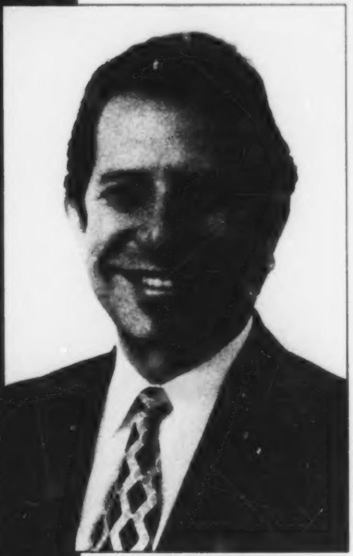
Until his program was taken off the air after the Oklahoma City bombing, Mark Koernke, who broadcast as "Mark of Michigan," was delivering his message of hatred nightly over Worldwide Christian Radio (WWCR), a shortwave station in Nashville. At one point, Koernke suggested that the government itself might be responsible for the Oklahoma City bombing.

According to *The New York Times*, other hosts on WWCR said that the government "is exploiting a grievous situation to put across their agenda of establishing a police state."

Congressional investigations into the raid on the Branch Davidian compound at Waco, Texas, and the shooting of white supremacist Randy Weaver's wife by an FBI sharpshooter in Ruby Ridge, Idaho, exposed the anger that many in this country feel toward certain federal agencies. Senate and House committees found that errors in judgment and communication by agents of the Bureau of Alcohol, Tobacco, and Firearms and members of the FBI led to disastrous results in both cases. However, in neither case could they find what talk-show listeners had heard described for months: a conspiracy on the part of the federal government.

Up until now, talk radio has been driven by those most interested in attracting large number of listeners to sell advertising for corporate sponsors. The loudest, most provocative voices are those that translate into higher ratings and, therefore, more dollars, and so the virus continues to spread. There are, however, indications that the public may be growing weary of the rhetorical excesses and that there may be a correction, perhaps even a reduction, in the listening audience. But until the public speaks out more forcefully against the "hot mouths" of talk radio, the forces that drive the industry will continue to provoke loud, angry rhetoric instead of offering fair and factual presentations of the complex issues inherent in any democracy.

Talk-show hosts know from recent experience that many people depend on us for their information about the candidates and their platforms—more on us than on their newspapers, magazines, or evening newscasts. We fulfill their trust when we pose informed questions about the people competing for the presidency; we betray their trust when we rant and rail against "their" candidates and support only "ours." We fail totally if we succumb to political passion and talk radio becomes the mouthpiece for fashionable ideology of any stripe and in the process banishes the wide range of political opinions and people that should be before the American public at this crucial time.



Jim Dennis Photography

Steve Montiel
is the president of the Maynard Institute for Journalism Education.

THE NEWS MEDIA, MINORITIES, AND COMMUNITY UNDERSTANDING

Pioneering African-American journalist Robert Maynard once wrote in one of the thousands of newspaper columns he penned as editor and publisher of the *Oakland Tribune*:

> *The racial cacophony across the American landscape is the modern equivalent of the biblical tower of Babel. Everybody is talking and nobody is listening. This could be a period of healthy dialogue, a transition to a more cohesive society. Or it could be we are seeing the early signs of the drift into ethnic enmity that threatens now to destroy several countries.*

The news media play a critical role in the formation of attitudes and behavior affecting public policy and personal relations, and their role as instruments of community understanding is essential. Yet, the news industry has, over the past three decades, undergone desegregation in order to bring more minority voices into the newsroom. As Bob Maynard pointed out, America "cannot be a country we want it to be if its story is told by only one group of citizens." Today, media organizations remain under scrutiny as institutions, individuals, and companies search for ways to communicate constructively in a multicultural society.

A 1996 survey of 531 newsroom professionals conducted by MORI Research for the Associated Press Managing Editors Association concluded:

> *America's newsrooms are two different worlds. The newsroom experiences of white journalists and minority journalists contrast so sharply that they're nearly mirror images of each other. The wide perceptual gap between white and minority newsroom professionals suggest a strong need for better communication so that more newsroom personnel are on the same wavelength. This is important both for internal newsroom operations and for news coverage. Wide gaps between white and minority exist in both areas.*

It is not surprising that there are perceptual gaps between white journalists and their African-American, Latino, Asian-American, and Native American colleagues. Similar gaps exist throughout American society because of race and ethnicity—and because of differences related to gender, class, generation, and geography.

THE KERNER COMMISSION REPORT: A LANDMARK STUDY

In the mid- to late-1960s, violence and poverty were threatening

America's cities. President Lyndon Johnson appointed Otto Kerner, the governor of Illinois, to head up a commission to examine the causes of the 1967 riots in dozens of U.S. cities and make recommendations about jobs, housing, schools, police procedures, newspaper practices, and community attitudes.

The Kerner commission concluded in its 1968 book-length report:

> *The news media have failed to analyze and report adequately on racial problems in the United States. . . . By and large, news organizations have failed to communicate to both their black and white audiences a sense of the problems America faces and the sources of potential solutions. The media report and write from the standpoint of a white man's world. . . .*

The commission's report criticized the news industry's "shockingly backward" hiring practices and patterns of exclusion and misportrayal of African Americans. By failing to portray African Americans "as a matter of routine and in the context of the total society," stated the commission's report, "the news media have, we believe, contributed to the black-white schism in this country."

The Kerner Commission performed a vital service to the country and to journalism by bringing attention to these deficiencies in news coverage and minority staffing. At the time of the commission's findings, the newsrooms of mainstream media companies across America were virtually all-white. Since then, many media organizations, particularly newspapers, have taken took a long, hard look at how to make up for this absence of minority voices. In 1978, the American Society of Newspaper Editors (ASNE) set a goal to have a newsroom workforce reflecting the nation's racial and ethnic diversity by 2000, when the minority population is expected to be between 20 and 25 percent of the national population. With 2000 only three years away, the spotlight will be on the outcomes of the daily newspaper industry's efforts.

Oakland Tribune/Angela Pancrazio

Robert Maynard was an influential and groundbreaking African-American journalist. In 1976, he cofounded the Maynard Institute for Journalism Education to promote racial and ethnic diversity in both newsroom staffing and news content.

PROGRESS—BUT NOT ENOUGH

News organizations have made progress toward diversity in staffing since the 1960s and the Kerner Commission. The number of nonwhite journalists at daily newspapers has risen from an estimated 400 in the late 1960s to 6,000 today—11 percent of a total newsroom work force of 55,000, with a smaller percentage in management. However, the number of minority journalists has increased by only fractions of percentage points each year since the ASNE began annual employment surveys in 1978.

In addition, 44 percent of U.S. daily newspapers have all-white newsrooms, according to the industry's 1996 annual employment survey, and fewer than 10 percent of nonwhite journalists are in supervisory or editing jobs. Meanwhile, content audits continue to show under-representation and misportrayal of African Americans, Hispanics, Asian Americans, and Native Americans in the news. These audits, undertaken by the Robert C. Maynard Institute for Journalism Education and others, have consistently demonstrated that newspapers most often fail to accurately portray people of color and others historically excluded from routine daily news coverage. Consequently, instead of serving as a communication bridge between different groups, newspapers and other media instead have been part of the problem. And news organizations are struggling with their own problems related to race and ethnicity.

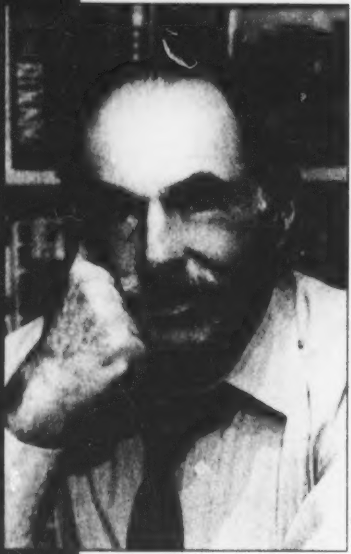
In 1976, Bob Maynard and eight other journalists cofounded the Maynard Institute for Journalism Education, based in Oakland, California. Today, the institute is among several organizations working to strengthen news media as instruments of community understanding.

Besides the ASNE and the Maynard Institute, other organizations with programs designed to increase diversity in both staffing and news content include the Poyner Institute, Radio and Television News Directors Association, National Association of Black Journalists, National Association of Hispanic Journalists, Asian American Journalists Association, Native American Journalists Association, and Unity '99. Unity '99 is organizing the second joint convention of the four associations of minority journalists in Seattle in 1999.

These organizations recognize that, while progress has been made, there is still a good deal of work to be done. In the most recent ASNE employment report, then-President William B. Ketter, editor of the Quincy (Mass.) *Patriot Ledger*, said,

> *Overall, there is still a great need for newspapers to reflect on how their workforce represents the changing face of America and to accelerate initiatives to reach newsroom parity with diversity in communities. It is important to the continued growth of newspapers that we represent the changing nature of the marketplace.*

Fortunately, a growing number of those in the field of journalism understand that the quality of government depends on truthful dialogue and the capacity of the news media to reflect the total American community.



Jerry Bauer

Lawrence K. Grossman

is the president of Brookside Productions & Horizons Cable. He is the former president of NBC News and the Public Broadcasting Service.

THE ELECTRONIC REPUBLIC

A new political system is taking shape in the United States. As we approach the twenty-first century, America is turning into an electronic republic, a democratic system that is vastly increasing the people's day-to-day influence on the decisions of state. New elements of direct democracy are being grafted on to our traditional representative form of government, transforming the nature of the political process and calling into question some of the fundamental assumptions about political life that have existed since the nation was formed more than two hundred years ago.

The irony is that while Americans feel increasingly powerless, cynical, and frustrated about government, the distance between the governed and those who govern is actually shrinking dramatically. Many more citizens are gaining a greater voice in the making of public policy than at any time since the direct democracy of the ancient Greek city-states some twenty-five hundred years ago.

A POLITICAL HYBRID

This democratic political transformation is being propelled largely by two developments—the 200-year-long march toward political equality for all citizens and the explosive growth of new telecommunications media, the remarkable convergence of television, telephone, satellites, cable, and personal computers. This is the first generation of citizens who can see, hear, and judge their own political leaders simultaneously and instantaneously. It is also the first generation of political leaders who can address the entire population and receive instant feedback about what the people think and want. Interactive telecommunications increasingly give ordinary citizens immediate access to the major political decisions that affect their lives and property.

The emerging electronic republic will be a political hybrid. Citizens not only will be able to select those who govern them, as they always have, but increasingly they also will be able to participate directly in making the laws and policies by which they are governed.

Even as the public's impatience with government rises, the inexorable progress of democratization, together with remarkable advances in interactive telecommunications, are turning the people themselves into the new fourth branch of government. In the electronic republic, it will no longer be the press but the public that functions as the nation's powerful "fourth estate," alongside the executive, the legislative, and the judiciary.

DIRECT DEMOCRACY

Telecommunications technology has reduced the traditional barriers of time and distance. In the same way it can also reduce the traditional constitutional barriers of checks and balances and separation of powers, which James Madison thought the very size and complexity of the new nation would help to preserve.

Direct democracy, toward which we seem to be inexorably heading, was the earliest form of democracy, originating during the fifth century B.C. in the small, self-contained city-states of classical Greece.

By contrast, representative government—democracy's second transformation—is a relatively recent phenomenon, originating in the United States a little more than two centuries ago. Under representative democracy, Americans—at first a privileged few and now every citizen over age 18—can vote for those who make the laws that govern them. Unlike the ancient Greeks, our Constitution specifies a government that separates the rulers from the ruled. It connects the people to the government by elections, but distances the government from the people by making the elected the ones (officials) who actually enact the laws and conduct the business of government.

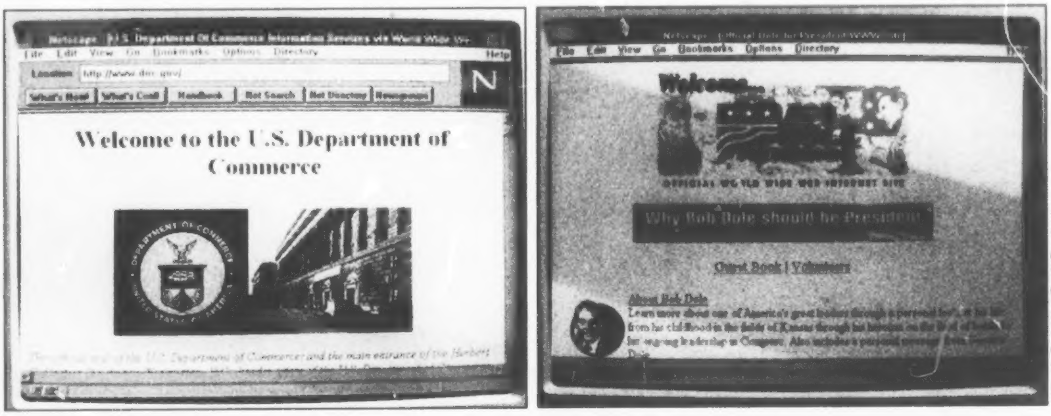
Today, that constitutional space is shrinking. New populist processes and telecommunications technologies amplify the voice of the people at large and bring the public right into the middle of the decisionmaking processes of government. As the power of public opinion rises, the roles of the traditional political intermediaries—the parties, the mass media experts, and the governing elite—decline.

A MORE INFORMED PUBLIC?

Telecommunications technologies—computers, satellites, interactive television, telephone, and radio—are breaking down the age-old barriers of time and distance that originally precluded the nation's people from voting directly for the laws and policies that govern them. The general belief holds that representative government is the only form of democracy that is feasible in today's sprawling, heterogeneous nation-states. However, interactive telecommunications now make it possible for tens of millions of widely dispersed citizens to receive the information they need to carry out the business of government themselves, gain admission to the political realm, and retrieve at least some of the power over their own lives and goods that many believe their elected leaders are squandering.

The electronic republic, therefore, has already started to redefine the traditional roles of citizenship and political leadership. Today, it is at least as important to reach out to the electorate—the public at large—and lobby public opinion, as it is to lobby the elect—the public officials who make the laws and administer the policies.

The emergence of the electronic republic gives rise to the need for new thinking, new procedures, new policies, and even new political institutions to ensure that in the century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Why Bob Dole should be President
Guest Book | Volunteers
About Bob Dole

Close Up Foundation/Renée Bouchard

The Internet has given millions of Americans access to information about the government and their political leaders. Many believe that new technologies will make lawmakers more accountable to citizens.

172 BEST COPY AVAILA

ahead majoritarian impulses will not come at the expense of the rights of individuals and unpopular minorities.

We need to recognize the remarkable change that the interactive telecommunications age is producing in our political system. We need to understand the consequences of the march toward democratization. We need to deal with the promise and perils of the electronic republic. It can make government intensely responsive to the people. It can also carry responsiveness to an extreme, opening the way for manipulation, demagoguery or tyranny of the majority that "kindle[s] a flame . . . [and] spread[s] a general conflagration through the . . . States."

What will it take to turn the United States into a nation of qualified citizens who are engaged not as isolated individuals pursuing their own ends but as public-spirited members who are dedicated to the common good? In an electronic republic, finding the answer to that question is essential. In the words of Thomas Jefferson: "I know of no safe depository of the ultimate powers of the society but the people themselves, and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion."

U.S. HOUSE
C-SPAN

Close Up Foundation/Renée Bouchard

Since 1979, C-SPAN, a public affairs cable network, has given viewers an inside look at how the federal government—particularly Congress—works.

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CASE STUDY

The Media

TELEVISION AND MODERN PRESIDENTIAL CAMPAIGNS

by Tim Walker

On Sunday, September 17, 1964, millions of Americans were watching *Sunday Night at the Movies* on CBS. Because it was a presidential election year, the public had become used to seeing campaign ads on television either promoting one candidate or criticizing the other. However, the people tuned in this evening would see something quite different: a political campaign ad so shocking, it would be pulled from the air after only one showing.

As the camera moves in, a little girl of 3 or 4 sits in the middle of a field of flowers on a gloriously sunny day. She holds in her hand a daisy and, one by one, pulls off its petals, counting along the way "one, two, three, four." Just as she gets to ten, a loud, ominous voice begins a countdown: "ten, nine, eight, seven, six, five, four, three, two, one, zero." The little girl looks up to the sky, frozen. A nuclear bomb detonates, developing into the familiar mushroom cloud. Then a voice is heard: "Vote for President Johnson on November third. The stakes are too high for you to stay home."

This campaign commercial (often referred to as the "daisy spot") is thought by many to be the most notorious political advertisement ever produced in the United States. The message—that Lyndon Johnson's opponent, Senator Barry Goldwater, could not be trusted to be president in the nuclear age—and its disturbing images set off a firestorm of protest. The daisy spot was a powerful demonstration of how politicians could elevate the use of television into a political art form. One campaign ad could succeed in portraying a political opponent in a manner he would spend the rest of the campaign furiously trying to live down.

Although many media and political observers claim that today's audience is more sophisticated and therefore less likely to be affected by an ad like the Johnson commercial, television continues to play a major, if not dominant, role in presidential campaigns. Thirty-second television ads are just one feature of modern campaigns. News coverage, debates, political conventions, campaign strategy, the issues, even the color tie a candidate wears at a campaign event—television has a profound effect on practically all parts of a presidential campaign. The influence of television has been so great that many defeated candidates have blamed their losses on their

Willie Horton

Close Up Foundation/Renee Bouchard

VOTE FOR PRESIDENT JOHNSON
ON NOVEMBER

Close Up Foundation/Renée Bouchard

In the 1964 presidential campaign, one of President Lyndon Johnson's strategies was to portray his Republican opponent, Senator Barry Goldwater, as an extremist unfit to be president in the nuclear age. The Johnson campaign aired a series of commercials emphasizing this point. The famous "daisy spot" (pictured above) communicated this message without once mentioning Goldwater's name.

inability to master the medium. After narrowly losing the 1968 presidential election to Richard Nixon, Hubert Humphrey said, "The biggest mistake of my political life was not to learn how to use television." Sixteen years later, Walter Mondale, after his landslide loss to Ronald Reagan, admitted that he never "warmed up" to television.

Few media analysts or politicians would dispute the power of television in presidential politics. But has its presence actually proved decisive in recent campaigns? Has presidential politics been transformed into purely a game of image-making and media manipulation? And has television, on balance, harmed or helped the democratic process?

In 1996, Republican presidential candidate Steve Forbes said his campaign was "the first-ever information age" campaign, one that incorporated not just television but also radio and new types of electronic media. All presidential campaigns are adopting similar strategies. These innovations make it all the more important to look back at the role television has played in how the American people have chosen the president of the United States, one of the most powerful people in the world.

CAMPAIGNS OF THE PAST

Like so many other aspects of American society over the past 200 years, the election process has also gone through revolutionary changes. It is safe to say that the founders of the country would be shocked at how, and by whom, the president of the United States is chosen.

Although it may be difficult to imagine today, many years ago, free and open elections were a rarity in the world's oldest democracy. Alexander Hamilton declared that "men most capable of analyzing the qualities adapted to the station" would select "characters preeminent for ability and virtue." Early in the U.S. democracy, not many Americans were allowed to vote in presidential elections; the process was closed to all except white male property owners. Because voting was restricted to the nation's elite, the need for campaigning was virtually nonexistent. George Washington was chosen unanimously by members of the electoral college.

The Electorate Grows. By the early nineteenth century, suffrage (the right to vote) was gradually extended to more segments of the population. By 1824, only Virginia and Rhode Island continued to restrict voting to property owners. The number of eligible voters swelled when suffrage was granted to African Americans and women in the late nineteenth and early twentieth centuries. Candidates for national office soon discovered they had to reach more and more people. Previously, handbills, a few newspaper ads, and public rallies were all that comprised national campaigns. With a growing electorate, the political parties organized campaign events such as parades, rallies, and nationwide press coverage.

"THE LITTLE BLACK BOX"

At the turn of the century, presidential candidates had to travel thousands of miles by rail every week and deliver the same speech over and over to reach as many people as possible. But shortly after the end of World War I, a new invention—radio—began to revolutionize communications across the country.

Early on, radio was often treated with skepticism by many politicians and journalists (who sometimes dismissed it as "the little black box"). Many candidates preferred the more active campaign style of shaking hands and making outdoor speeches. However, by 1924, Americans owned 3 million radios; ten years later, they were listening to more than 30 million. Suddenly, politicians could speak to a large audience without leaving home. This innovation was particularly useful for presidential candidates who previously had to travel the country coast to coast to drum up support.

The Birth of the Sound Bite. The growing acceptance of radio made it very important that presidential candidates be good communicators. Politicians had to speak well, capture the listener's attention, and be able to condense their speeches and ideas into easy-to-understand language. Because buying time on the radio was expensive, messages from the candidates had to be trimmed. No longer could they go into great detail about their policies and programs. Only the most memorable turn of phrase, the best applause lines, could be broadcast. Not only would this approach be cheaper, but these attention-grabbing phrases proved much more effective than long speeches. It was with radio, therefore, that the first electronic sound bites became part of the presidential campaign lexicon. President Franklin Roosevelt's "fireside chats" with the American people over the radio airwaves greatly contributed to his popularity and changed forever how the nation's politicians communicated with the public.

TELEVISION ENTERS AMERICA'S LIVING ROOMS

During much of the first half of the twentieth century, radio was a powerful medium because it allowed people to stay home and listen to political candidates instead of going to a campaign rally. When television began turning up in living rooms across the country, suddenly people were able to not just listen to the candidates, but to see them as well.

By the mid-1950s, television had become the dominant medium in the United States. Television had entered 35 million homes by 1955; Americans were watching up to five hours per day. Television was changing American life, including how people saw and judged their elected leaders. Early on, politicians recognized the effect television would inevitably have on political campaigns. Many were concerned that the combination of TV and radio would render old-fashioned campaigning practically useless. Some politicians believed that there was no substitute for the personal campaign—giving stump speeches, diving into crowds to shake hands, and kissing babies. But others quickly saw that television was changing the political landscape in America. Senator Hugh Scott of Pennsylvania asked, "What's that [a live speech] compared to getting into every voter's living room?" As the country's population grew larger and more sophisticated, many political leaders knew that a new era in political campaigning was upon them.

The Elections of 1952 and 1956. Dwight Eisenhower, a retired World War II general, and Adlai Stevenson, the governor of Illinois and a respected intellectual, were the first to face the intense glare of television in a presi-

EISENHOWER
answers
AMERICA
A POLITICAL ANNOUNCEMENT
PAID FOR BY CITIZENS FOR EISENHOWER

Close Up Foundation/Renée Bouchard

In 1952, the Eisenhower campaign hired a Madison Avenue advertising agency to help market their candidate to the American people. They produced the "Eisenhower Answers America" spots. While the spots were effective, many thought it was undignified for presidential candidates to do this. Eisenhower himself muttered to an aide during a break in shooting, "To think that an old soldier should come to this."

dential campaign. Both reluctant candidates who were practically drafted by their parties, Eisenhower and Stevenson knew they had to use television to get into people's homes and that if they were successful, they would win votes.

Eisenhower's war hero credentials and folksy, easy-going public demeanor were perfect for television. On the other hand, the scholarly Stevenson, whom some called "the egghead," never seemed comfortable in front of the camera, and complained bitterly to aides that running for president in front of TV cameras was undignified. Eisenhower was elected president in 1952 and won reelection in 1956.

Most political observers believe that Eisenhower would have won—although perhaps not by such wide margins—even without the benefit of television. In 1960, political observers would see how television could actually become the decisive factor in a presidential campaign.

"TV TURNED THE TIDE"

The 1960 presidential election between John Kennedy and Richard Nixon was the closest in American history. Kennedy squeaked past Nixon by less than 100,000 of the more than 70 million votes cast. When an election is that close, it is usually difficult to attribute the narrow margin to just one factor. However, most historians point to a September 1960 televised debate between the candidates as perhaps the defining moment of the campaign and a watershed event in the relationship between presidential politics and television.

UPI/Bettmann

The televised debates between John Kennedy and Richard Nixon in 1960 were a groundbreaking event. Seventy million Americans tuned in to watch the first debate. Kennedy's telegenic qualities contributed to his razor-thin victory over Nixon in the election.

On the night of September 16, 1960, 70 million Americans tuned in to watch the two nominees square off in the first-ever televised presidential debate. Most observers agree that what was said by Kennedy and Nixon was not particularly earth-shaking; but what was seen by the viewer at home was.

John Kennedy had just returned from California and was tanned and well rested. Vice President Nixon, on the other hand, had recently been hospitalized with an illness. Next to Kennedy, Nixon looked tired and a little haggard. Public opinion polls taken after the debate declared Kennedy the "winner"; those who listened to the debate on the radio, however, gave the edge to Nixon. The televised image of the youthful and vibrant Kennedy clearly stuck in the minds of many who saw the debate on the home screen.

The crowds at Kennedy's speeches grew larger after the first debate. As historian Theodore White wrote, "Seemingly overnight, they [the people] seethed with enthusiasm and multiplied in numbers, as if the sight of him, in their homes on the video box, had given him a 'star quality' reserved only for television and movie idols." Kennedy, who went on to win the election with just 50.1 percent of the vote, remarked to a friend, "It was TV that turned the tide."

THE MODERN PRESIDENTIAL CAMPAIGN

After 1960, television's role in presidential campaigns became pivotal. Television's presence would be felt from the moment candidates declared their candidacies right through when the votes were counted on election night. Television would always be there—during the long fight for the nomination, at the conventions, broadcasting campaign commercials, and dominating nightly news broadcasts.

How television has transformed the political process has been a source of great controversy over the years. Some political leaders—particularly those who felt comfortable with the "new politics" of television—praised the medium and its innovations as a democratic necessity that takes power away from the political elite and places it in the hands of the American people. But others, while conceding that this is largely true, worried that television would water down the issues and give politicians a tool with which to manipulate the public.

TRANSFORMING THE NOMINATING PROCESS

To most Americans, the presidential campaign begins in New Hampshire and Iowa, the sites for the first primary election and caucus—events at which the voters choose their party's nominee. The campaign for the nomination lasts a lot longer than the campaign between the two major party nominees, which begins in late summer. Many political scientists and media observers believe that television plays a major role in determining who will be nominated and therefore who will become the next president of the United States.

Taking Power Away from the Party Bosses. Prior to the 1970s, the selection of the candidate to head the Republican and Democratic tickets was mostly in the hands of the party organizations, or the "party bosses." These officials would choose many of the delegates who cast the vote for their candidate at the convention. Generally, average voters would have little say about who was going to represent the party with which they were affiliated.

Party primaries did exist in the 1950s, but party leaders paid little attention to the outcomes when choosing delegates to the convention. The first presidential candidate to champion primaries was Democratic Senator Estes Kefauver of Tennessee. In 1956, the Democratic Party seemed certain to renominate Adlai Stevenson to once again face President Eisenhower. Kefauver believed the people, not the party establishment, should determine who would head the ticket against Eisenhower. In addition, a more democratic selection process would make it easier for politicians like Kefauver, who many in his own party called a "maverick," to win the nomination. Senator Kefauver ran in twelve Democratic primaries and won all but one. However, at the convention in the summer of 1956, the Democrats again nominated Stevenson as their presidential candidate. Kefauver settled for the vice presidential nomination.

Television and Primaries: A Perfect Match. The primary system gained acceptance throughout the 1960s and early 1970s as television became a more powerful component in presidential campaigns. For a politician who was not the favorite of the party establishment, television provided a much-needed weapon to reach the voters—often a more powerful weapon than endorsements and party organization. Gradually, delegate selection was taken out of the "smoke-filled rooms" full of party bosses and given to the voters.

Primaries and television complemented each other. Television news loved the story of the "horse race." Television allowed "outsider" or "maverick" candidates to topple favorite candidates. As a consequence, the power of the party establishment was greatly diminished. Many Democratic Party nominees, for example, came from outside the establishment. George McGovern of South Dakota was a respected, although somewhat obscure, member of the Senate when he won the Democratic nomination in 1972. In 1976, Jimmy Carter was a former governor of Georgia who held no elective office when he captured the party's nomination and then the presidency. Both Michael Dukakis in 1988 and Bill Clinton in 1992 benefited by running as "outsiders." All of these candidates used television and radio to get their message to the people and collect primary victories in state after state on their way to their party's nomination.

"Insurgent" Campaigns. In 1996, multimillionaire publisher Steve Forbes, who had never held any elective office, ran for the Republican presidential nomination. Written off by the press and the party, Forbes used his personal fortune to mount an unprecedented campaign over the television and radio airwaves. Forbes' bid was unsuccessful, but he unexpectedly turned out to be one of Bob Dole's main rivals.

Independent presidential candidate Ross Perot ran his 1992 campaign entirely on television. He received 19 percent of the vote with no party organization behind him. Of course, as was the case with Forbes, Perot had the wealth to buy a lot of television time. But most experts agree that fifty years ago, these "insurgent" campaigns would never have had much effect because they did not have as much electronic media at their disposal.

Conventions as Campaign Commercials. Because the primary system has taken over the nomination process, the role of the political convention has diminished in importance in the traditional sense but become more important in other ways. In the days when the party bosses handpicked the candidates, party conventions were usually exciting events. However, over the past couple of decades, conventions have been relatively suspense-free, because the nominee was always chosen by the people during the primaries. But conventions are still useful to presidential candidates. Today, they serve as extended campaign commercials or "coronations" for the party's nominee. Millions of viewers can get a good look at the person chosen to be the nominee and begin to shape impressions of that person as the fall presidential campaign gets underway.

TAKING THE MESSAGE TO THE PEOPLE

The essence of any campaign is appealing to voters for support; no other medium has allowed candidates to do this more effectively than television. While the vast majority of Americans do not attend political rallies, conventions, or speeches, practically everyone watches television. In addition to reducing the power of the political parties, television makes it possible for Americans to see and judge candidates for themselves.

Candidates generally prefer what are called "unmediated" messages. Unmediated messages are those in which the candidate's speeches and commercials are broadcast to the people without interference by a third party, whether it be a newspaper reporter or party official. Mediated messages are those in which the candidate does not exercise total control, such as coverage and commentary on a speech in a newspaper or on the television's nightly news.

Many of the candidates in 1992 used television effectively in communicating unmediated messages. Electronic "town halls," talk shows, and cable networks offered viewers unprecedented access to presidential contenders. For example, Bill Clinton appeared on *The Arsenio Hall Show* and MTV, and Ross Perot declared his candidacy while appearing on *The Larry King Show*. These venues give candidates electronic access to the voters without having a reporter standing in their way.

Television as Damage Control. Throughout the history of presidential politics, scandals have surfaced that often sink even the most promising campaigns. Since the 1950s, candidates under suspicion have often used the power of television to curb political damage by appealing directly to the voters for support.

In 1952, Dwight Eisenhower picked an ambitious young senator from California, Richard Nixon, to be his vice presidential running mate. However, a report emerged that Nixon had a private "slush fund" of about $18,000, contributed by various supporters for his own personal use. Because part of the Republican strategy was to attack corruption in the Democratic Party, many wanted Eisenhower to drop Nixon from the ticket. However, Richard Nixon chose to take the offensive. The Republican Party

CBS NEWS
ABC

Close Up Foundation/Renee Bouchard

Prior to the 1970s, political parties held conventions to choose their presidential and vice presidential candidates. However, because primaries and caucuses choose the candidate long before the convention is held, many critics view conventions today as nothing more than weeklong campaign media events. Nevertheless, many Americans watch television coverage of conventions to learn more about the candidates. Television news coverage is also popular with voters on election night.

purchased a half hour from all three broadcast networks so that Nixon could give a speech to answer the charge against him. Nixon, with his wife, Pat, sitting by his side, said he never accepted any personal gifts from contributors except for a small spotted cocker spaniel that he gave to his two daughters, who named him "Checkers." Although critics called the "Checkers" speech sentimental, it was an unqualified success with the viewers. Telegrams supporting Nixon flooded the campaign, and Eisenhower decided to keep Nixon on the ticket. If it had not been for television and its ability to intimately bring together politicians and the people, Richard Nixon's political career would likely have been over at age 39.

AP/Wide World Photos

AP/Wide World Photos

Political candidates have often used television to bypass the press and "go directly to the voters" when scandals surface. In 1952, Richard Nixon, then Dwight Eisenhower's running mate, gave a televised speech responding to allegations about his finances. In 1992, Bill Clinton and his wife, Hillary, appeared on a special thirteen-minute interview on *60 Minutes* following the Super Bowl to answer questions about their marriage.

TELEVISION CAMPAIGN COVERAGE: THE HORSE RACE VS. ISSUES

The emergence of the primary election system in the 1960s and 1970s brought to the table a new story: the "horse race." Who's ahead? Who's behind? Who's the underdog? Who's the dark horse candidate? Who has the "Big Mo" (momentum)? The intrigue over the horse race is another important legacy of the influence of television on presidential campaigns.

Television vs. Newspapers. In 1965, reading the newspaper was the daily habit of 73 percent of adults. Beginning in 1970, the proportion of daily readers fell slowly but steadily, hitting bottom at 51 percent in 1988. Since then newspaper readership has leveled off. The growing power of television diminished the influence of the newspaper. Television became the number one source of news and information for the American public. This trend has been especially true during the presidential campaign season, as candidates have come to recognize they can reach many more people with much less effort through television. Said Senator Robert Kennedy, presidential candidate in 1968, "I would rather have thirty seconds on an evening news program than coverage in every newspaper in the world."

Many political analysts believe that presidential campaigns—from the New Hampshire primary through election day—are stories better suited to television, not newspapers. They say that during the two and a half years between the election and the beginning of the next campaign, newspapers are better suited to cover world events and domestic issues. But once the race for the White House begins, television takes over. The dynamics of a presidential contest—candidates sniping at each other in public, well-rehearsed sound bites, fast-paced campaign rallies, passionate speeches—are better suited to television. It is because of TV's advantage that modern-day presidential campaigns are to a large degree conceived, planned, and executed around television.

For example, until the 1960s, a candidate's day was usually highlighted by a major speech in front of an important group or place, such as a local chamber of commerce, labor union, or defense factory. In those days, speeches were commonly given later in the day, too late for that evening's television news programs. However, as television became a dominant medium, candidates began scheduling their speeches and other important campaign appearances earlier in the day for the sole purpose of being featured on the network evening news. Just as important, the candidate's advisers began to urge the candidate not to ramble about details, but rather to come up with a memorable phrase, a "sound bite," that was sure to make the news.

Style over Substance. Many say that the biggest casualty in television's primacy over other media has been the substance—thoughtful discussion of important policy issues—of the campaign.

Critics charge that although television bridges a communication gap between voter and candidate, the end result is that candidates' messages become narrower, less focused, less detailed, and more reliant on the "big picture." In other words, because they have had to narrow down their speeches and policy statements to fit television, presidential aspirants have gotten by without backing up their promises and providing the details that voters need to make informed choices on election day. Overall, the focus on the race crowds out important stories that can best be developed by newspapers, which can include more in-depth coverage than can television.

For example, the break-in at the Democratic National Committee headquarters in the Watergate building occurred five months before the 1972 election, but was largely ignored by the broadcast media. Most journalists were more preoccupied with the self-destructing McGovern campaign. Richard Nixon was reelected with 61 percent of the vote. It was not until Nixon had begun his second term that Watergate became a major news story—one that led to his resignation in August 1974.

During the 1992 campaign, just after Bill Clinton wrapped up the Democratic nomination, *The New York Times* ran a story about a failed real estate venture in Arkansas in which the Clintons were involved. Questions arose about whether the deal involved unethical and illegal activity. The story of Whitewater was ignored by the broadcast media during the campaign. The story resurfaced soon after Clinton's inauguration and led to congressional hearings. Media critics say that the networks ignored the story because it was fundamentally a newspaper story—one that required in-depth analysis but was unlucky enough to emerge during a presidential campaign, when television dominates.

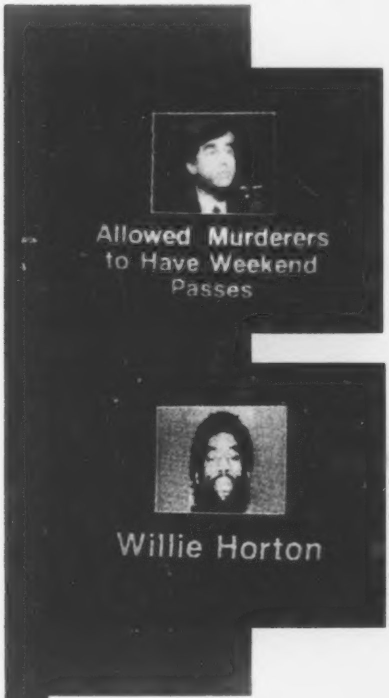
"THIS ISN'T IVORY SOAP VS. PALMOLIVE"

Like other forms of advertising, political advertising has been a mainstay on television since the medium's early days. Campaign organizers immediately recognized that TV could be used to "sell" their candidate. If TV could sell chewing gum, oven cleaner, and soft drinks, why could the same not be done for a politician?

In 1952, the Eisenhower campaign hired a prestigious New York advertising agency to present their candidate to the television viewing public. The result was the ground-breaking "Eisenhower Answers America" spots, in which Dwight Eisenhower recited short, prepared answers to scripted questions from "average" Americans. The spots were very effective. However, the commercialization of the process did not amuse his opponent, Adlai Stevenson, who fumed that the presidential election should be about Republican versus Democrat, not "Ivory Soap vs. Palmolive." Nonetheless, campaign commercials have been a very important, although always controversial, component of modern presidential campaigns.

Defining Your Opponent. Many media observers believe that the potential of campaign commercials was fully realized during the 1964 presidential election. Lyndon Johnson's campaign created a series of ads, including the famous "daisy spot," that were heavy on symbols and images. Their message was simple: Barry Goldwater was an extremist who would start a nuclear war and dismantle cherished programs such as Social Security.

Four years later, the Nixon campaign produced a spot that joined photos of urban riots, impoverished families, and wounded American soldiers in Vietnam with images of a smiling Hubert Humphrey. The ad implied that Humphrey and the Democrats were responsible for crime, poverty, and Vietnam. These and other techniques often are successful at defining an opponent, especially one who is generally an unknown "commodity" to most Americans. In 1988, Massachusetts Governor Michael Dukakis came from virtually nowhere to win the Democratic nomination. The George Bush campaign took the offensive and, through their use of negative commercials, began portraying the governor as a soft-on-crime liberal. A group independent of the Bush campaign drove the message home with the infamous Willie Horton ad. The spot told



Close Up Foundation/Renée Bouchard

The 1988 campaign between George Bush and Michael Dukakis is considered by many Americans to be one of the most negative in recent history. A Republican activist group created the Willie Horton ad (above) to portray Dukakis as a soft-on-crime liberal. The Democrats, meanwhile, used unflattering footage of Dan Quayle (below) to argue that he was unqualified to be one heartbeat away from the presidency.

President Quayle ?

Close Up Foundation/Renée Bouchard

of how convicted murderer Willie Horton raped a young woman while on a weekend prison furlough approved by Governor Dukakis. Because Horton was an African American, many critics charged that the commercial had racist overtones.

Although many Americans believed that Bush campaign advisers were playing dirty, others said Dukakis was simply unable or unwilling to tell the American people who he was and why he wanted to be president. He also made the mistake of believing that the American public would pay no attention to negative campaign commercials. He was wrong; Bush won the election handily.

Backlash. The negative nature of the 1988 campaign angered the voters and many members of the media, who felt they were partly to blame by not holding the two candidates accountable for their campaigns. Beginning in 1992 and continuing today, many news programs and newspapers began to "police" campaign commercials for accuracy and fairness to help voters view these ads with a critical eye.

Many experts believe that the influence of negative television commercials may have peaked. They played a smaller role in the 1992 election, and in 1996, Steve Forbes was criticized for conducting a negative campaign against his Republican opponents with an unprecedented onslaught of ads. His standing in the polls dipped dramatically as voters grew tired of the negative tone of his TV spots.

TELEVISED DEBATES: ONE LAST LOOK

Today, televised presidential debates between the major party nominees are a staple of presidential campaigns. However, only six of the last sixteen contests have featured debates. There were two main reasons for this. First of all, the incumbent president preferred to avoid face-to-face confrontations with the challenger because it would place his opponent on the same level as him, the sitting president. Secondly, the Communications Act of 1934 had a provision that stated that if broadcast networks granted free time to any "legally qualified" candidate, it had to grant it equally to all candidates, including the candidates of smaller parties. However, television networks did not want to give air time to little-known candidates. In 1960, television networks, perhaps sensing that a historic moment was at hand, asked Congress to suspend this provision so Senator Kennedy and Vice President Nixon could debate. Congress agreed, and the era of televised presidential debates was born.

However, during the 1964, 1968, and 1972 campaigns, no debates were held because the incumbents Lyndon Johnson, Hubert Humphrey (incumbent vice president), and Richard Nixon avoided them. In 1976, President Gerald Ford chose to debate challenger Jimmy Carter because he was behind in the polls. Since then, televised debates have become a popular component of elections. The American public now demands debates because it gives them a good, close up look at the two (or three) party candidates in the fall election. No misleading campaign commercials, no media managers whispering in their ear, no cue cards—just the candidates standing behind a podium, taking questions from journalists.

However, critics complain that these debates are just as manipulative as many campaign commercials. They charge that few, if any, debates since 1960 have featured any substantive discussion of the issues of the day. Instead, the debates have become live venues for each candidate's sound bites, reminding viewers that they have been coached to perfection by their media advisers.

The Effect of Televised Debates. Although millions of Americans tune in to presidential debates every election year, observers disagree over their actual effect. Most experts doubt that any debate (with the exception of 1960) played a decisive role in changing public opinion about a candidate. However, most observers agree that debates can reinforce perceptions, positive and negative, voters already have about a candidate. For example, in 1988, Michael Dukakis was fighting the perception that he was aloof and distant. When Bernard Shaw of CNN asked Dukakis what punishment he would recommend for a man who raped and murdered his wife, Kitty, Dukakis responded matter-of-factly that he would not advocate the death penalty. Wrote *Time* magazine after the debate, "Never had a candidate failed so abysmally to meet the presidential test of showing emotion on cue."

AP/Wide World Photos

In 1992, presidential candidate Bill Clinton appeared on an MTV forum to answer questions from young Americans. Clinton's use of nontraditional media contributed to the success of his campaign.

Also in 1988, many voters had doubts about the maturity and readiness of George Bush's running mate, Dan Quayle. During his debate, Quayle was asked what steps he would take if something incapacitated President Bush. He seemed unprepared for the question and stammered and gave a disjointed response. His inability to confidently answer the question reinforced the belief among many Americans that he was not ready to be one heartbeat away from the presidency.

TELEVISION: GOOD OR BAD FOR THE DEMOCRATIC PROCESS?

Television clearly has changed the way politicians obtain power in the United States. Of course, the relationship between elected leaders and television does not end after the polls close. Television is also an effective governing tool. But, in general, has its powerful presence been a curse or a blessing for presidential campaigns and for America's democratic process?

Triumph of Images. Critics of television's role in presidential campaigns emphasize what they believe is the triumph of image over issues, personalities over policies. Many media observers say primary elections are shallow popularity contests, and that political conventions are nothing more than very long, staged campaign commercials. Critics also contend television news coverage is too focused on the race and not enough on the important issues. Televised debates, they add, are merely collections of well-rehearsed sound bites in front of a live audience, and political advertisements package the candidate as if he or she were a new car. Many Americans see all of these developments as contributing to the breakdown of the presidential selection process. They argue that television has made it difficult for millions of Americans to cast an informed ballot on election day.

The Shrinking Electorate. Voter turnout continually dropped in every election between 1964 and 1992. On average, only a little more than 50 percent of all registered voters bother to vote on election day. Many critics see a correlation between declining voter turnout and increasing television influence in presidential campaigns. Does the torrent of negative commercials and the inadequate discussion of the issues on the network news contribute so much to voter cynicism that millions of Americans choose to stay home on election day?

However, other experts say that there is no real evidence that television has contributed to the decline in voter turnout. When Americans are asked why they do not bother to vote, they commonly respond that they felt their vote did not make a difference or that they were unsatisfied with the candidates, among other factors.

In fact, many experts argue that in 1992, television actually brought more people into the election process, instead of pushing them away. The 1992 election had the highest voter turnout—about 55 percent—since 1972. Cable channels such as C-SPAN and CNN give the public information about the candidates and the issues that may be missing in mainstream television coverage. Even MTV got into the act with its "Rock the Vote" campaign, which was credited with helping register young people to vote.

PRESIDENTIAL CAMPAIGNS IN THE FUTURE

The 1992 presidential campaign was different from previous campaigns in how the candidates, particularly Bill Clinton and Ross Perot, found new and innovative ways to use television to reach the voters. These included half-hour "infomercials," guest appearances on late-night and daytime talk shows, and efforts to court local, not national, news media. In fact, some postelection surveys found that "nonconventional" news media, such as talk shows, accounted for a far greater increase in voters' knowledge of the candidates' positions on the issues than did the mainstream print and broadcast media. During the 1996 Republican primaries, this trend continued, as underfunded campaigns, including Pat Buchanan's, discovered that candidates can communicate with the people without having to spend thousands of dollars on campaign commercials.

AP/Wide World Photos

Some media observers believe that the scene pictured here—candidates shaking hands and conducting old-fashioned campaigns—could be increasingly rare in the twenty-first century as television and other media become more dominant in presidential campaigns. Others say that, despite the influence of electronic media, traditional campaigning will never disappear altogether.

Free TV. In the 1990s, the networks have been under heavy criticism from many politicians and journalists for being more preoccupied with making a profit than promoting voter participation in the electoral process. In May 1996, the four major television networks and CNN responded by offering the major presidential candidates free air time in the month leading up to the election in November. Many experts praised this decision, saying it was long overdue. They pointed out that practically every other democracy offers its national candidates the opportunity to address the voters free of charge. Others, however, argued that free time on television networks is unnecessary today when candidates have access to C-SPAN and local cable stations to speak to the voters without being watched over by commentators and journalists.

Campaigns in the Information Age. Television, while still dominant in political campaigns, is having to make room for other forms of electronic communication. Radio, so influential fifty years ago, has made a big comeback, particularly because of talk shows across the country. In addition, new information technology enables the public to learn about the candidates, the issues, and the election via computer on-line services and the Internet. Political candidates are embracing these innovations in communications just as many politicians used television forty years ago. Are presidential contenders drifting further and further away from traditional campaigning and more toward what Steve Forbes called "information age" campaigns? If so, voters should not only recognize the benefits electronic media brings to a presidential campaign, but also be wary of the potential ways politicians can use it to distort reality and manipulate the viewer.

CHAPTER 7

INTEREST GROUPS

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CHAPTER 7

INTEREST GROUPS

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Freedom of association is protected by the First Amendment. Americans have the right to join together for a common purpose and form interest groups. Using their freedom of speech, these Americans can also lobby the government, or try to persuade it to act in their favor. Through political action committees—PACs—interest groups can exercise even more influence in the political process by contributing campaign funds to candidates and parties. The articles in this chapter examine the influence of interest groups on American politics through lobbying and political action committees.

The secret to effective lobbying is people, not lobbyists, according to James Jay Baker, formerly of the National Rifle Association, one of the most powerful lobbying organizations in America. The NRA's "army," says Baker, is not its lobbying staff but its 3 million members. Baker also points out that an effective lobby provides legislators with reliable and accurate information.

However, a majority of Americans believe that lobbyists and special interests wield too much influence over lawmakers in Washington. In 1993, newly elected Senator Russell Feingold of Wisconsin came to Washington determined to curtail the power of what many call "the influence industry." He believes that lobbyists have become symbols of "business as usual" in the nation's capital, contributing to the American public's cynicism toward the political process. Senator Feingold says a democracy only works when average citizens believe their representatives are acting in their best interests, "not just those citizens who can wine them and dine them."

Political action committees are perhaps the most controversial method an interest group can use to influence public policy. Ann McBride, president of Common Cause, is adamantly opposed to

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PACs because she believes they corrupt the political process. McBride argues that financial contributions from PACs are shaping public policy because elected officials rely on this money to win reelection. She says that PAC contributions, which have grown tremendously in recent years, increase campaign costs and tend to favor incumbents—undermining the "one person, one vote" pillar of American democracy.

However, Thomas Berglund argues that PACs allow citizens to be an active part of the political process. Berglund, the former chairman of the political action committee of the American Medical Association, maintains that PACs permit people of relatively limited means to pool their resources and compete on a more equal basis with wealthy people. To Berglund, PACs are Americans exercising their First Amendment rights, expressing the multiple interests of a pluralistic society.

This chapter's case study provides an in-depth look at the birth and evolution of a powerful special interest: tobacco. In recent years, the tobacco lobby has come under attack from many sides—even the president of the United States. The case study looks at how the tobacco lobby developed, how it lobbies lawmakers and the public, and the issues and controversies that have placed tobacco in the center of some recent legal and political storms.

James Madison referred to the interest groups being formed by early Americans as factions. He worried about the "mischiefs of faction," but believed that, in a diverse society, the negative effects of any one faction would be counterbalanced by others through free and open debate. The First Amendment was Madison's way to protect interest groups—and control them.

Close Up Foundation/Renée Bouchard

National Rifle Association

James Jay Baker

is the former executive director of the Institute for Legislative Action at the National Rifle Association of America. He is now president of James Jay Baker and Associates.

THE SECRET TO EFFECTIVE LOBBYING

A U.S. senator from Minnesota, the late Hubert H. Humphrey, once remarked that if he received five or ten letters from constituents on a single topic, he considered the response a landslide of public opinion.

On issues involving their Second Amendment rights, National Rifle Association (NRA) members often generate five or ten *thousand* letters or more to a U.S. representative, and many times that amount to a U.S. senator. More than all other factors, this consistently high level of citizen activism—a groundswell of grassroots political action in every county and parish in the country—has earned the 125-year-old NRA its perennial reputation as one of America's most influential lobbying organizations.

Opponents often mistakenly attribute the NRA's success to an alleged "stranglehold" on elected officials by an "army of high-paid lobbyists." But, as keener and more objective observers recognize, the NRA's "army" is not its lobbying staff, but its more than 3 million NRA members plus 65 million other gun owners nationwide: American men and women of every age, from every state and every walk of life, and representing every conceivable economic, ethnic, religious, and professional group.

This otherwise diverse collection of Americans shares a mutual interest in shooting sports and the defensive uses of firearms, as well as a genuine reverence for their historic right to own firearms. This right was ensured in 1791 by the Second Amendment to the U.S. Constitution and handed down through successive generations of Americans. Notably, Second Amendment rights, like those protected by the First Amendment, are exercised every day by these same millions. It's no wonder, then, that gun owners vigorously use their right of free expression to protect "the right to keep and bear arms" for themselves and future Americans.

A political cartoon once depicted a fictitious NRA lobbyist, frustrated by a hostile congressional committee member's obstinance, saying, "I see. Shall I put you down for a million postcards then, senator?" A million postcards to a single senator may slightly exaggerate the NRA's ability to mobilize its members, but the cartoon makes an important point: What influences elected officials is not lobbyists, but *people*—because *people* vote on election day.

A review of two major political battles describes in real terms what the cartoonist illustrated in jest:

Massive demonstrations of First Amendment freedoms can and do affect the legislative process.

In 1978, at the behest of groups opposed to Americans' Second Amendment rights, the federal Bureau of Alcohol, Tobacco, and Firearms (BATF) proposed regulations that, if enacted, would have had serious consequences for law-abiding owners of firearms. The NRA's membership, then fewer than 2 million strong, responded by sending 337,000 letters opposing the proposed regulations. Supporters of the regulations mustered 7,000 letters. Not surprisingly, Congress prohibited the regulations.

In 1986, popular will prevailed in the battle over S.49, the NRA-endorsed Firearms Owners' Protection Act (FOPA), a measure written to correct many injustices that had come to bear upon law-abiding citizens through government abuses of the Gun Control Act of 1968. During the heated debate over S.49, the bill's opponents used biased surveys to assure Congress that Americans wanted the bill defeated, that Americans overwhelmingly wanted more restrictions on ownership of firearms, not fewer.

But officials were told just the opposite by their constituents—in margins of as much as 95 to 1. The FOPA passed the Senate by a vote of 79 to 15 and by a 292 to 130 margin in the House of Representatives, and is the law today. What ultimately counted was the will of the people, and, as one U.S. representative put it, "the 'gun lobby' is *people*." Nothing could be more natural or appropriate in a free and democratic society.

The NRA didn't begin as a political action organization. In 1871, the NRA was formed to promote marksmanship and the various shooting sports. The NRA remains dedicated to these objectives today, as attested by our leadership in firearms safety and proficiency training programs, our contribution to national and state wildlife conservation efforts, and our work in promoting marksmanship competitions.

In the early 1970s, however, the NRA recognized that firearms restrictions, peddled as "moderate and reasonable" solutions to violent crime, had failed miserably. Yet these failures were being used to promote layer after layer of harsher restrictions at local, state, and national levels. Knowing that these measures would adversely affect only law-abiding Americans, the NRA established its lobbying division, the Institute for Legislative Action (ILA), in 1975. Today, the Institute's full-time federal and state/local lobbyists, researchers, attorneys, and grassroots and communications staff track legislation at all levels of government, monitor trends in lawful and unlawful firearms ownership and use, analyze relevant sociological data, and communicate information on these and other subjects to our members and elected officials.

Just as NRA members depend upon the ILA for up-to-date reports on legislative affairs and the information they need to work effectively at the grassroots level, officials at all levels of government rely upon the ILA to compile the information they need to make educated decisions about legislative proposals involving firearms laws. Indeed, the NRA-ILA is one of the few lobbying organizations that *encourages* officials to study the

Courtesy of Handgun Control, Inc.

Many of the NRA's lobbying efforts are aimed at defeating proposals championed by Handgun Control, Inc. and its president, Sarah Brady (pictured here). The two organizations have clashed over waiting periods for handgun purchases and bans on semiautomatic weapons.

language of legislative proposals alongside related empirical data to understand the effect such proposals would have on law-abiding American gun owners. Notably, the *Library Journal* has stated that "the American Library Association lobby and the National Rifle Association lobby are the only ones whose information was considered consistently truthful and reliable by legislators."

In 1976, the NRA formed its political action committee, the NRA Political Victory Fund (NRA-PVF), which operates under guidelines established by the Federal Election Commission. The NRA-PVF is supported through special contributions from NRA members; no corporate contributions are accepted. The NRA-PVF rates political candidates based on voting records, public statements, and responses to an NRA questionnaire, all focusing exclusively on firearms and firearms-related issues. Party affiliation is not a factor in evaluating candidates.

In recent years, the NRA-PVF has supported hundreds of candidates for national and state offices, with a high rate of success—evidence that the NRA's positions and policies accurately reflect the viewpoints of the American people.

Since the formation of the ILA and the creation of the NRA-PVF, NRA membership has experienced its most rapid increase: from about 1 million in 1975 to more than 3 million today. This indicates that America's gun owners view the NRA's aggressive political role as a vital corollary to its original and continuing objective of promoting safety and proficiency in the sporting and defensive use of firearms. The commitment of the NRA's members to its goals—their goals—has made the NRA one of the nation's foremost membership organizations, and one of America's most formidable lobbying groups.

Office of Senator Feingold

Senator Russell Feingold

(D-Wis.) was elected to the U.S. Senate in 1992.

A SENATOR LOOKS AT SPECIAL INTERESTS AND LOBBYING

The first week of October 1994 was a particularly frustrating one in the U.S. Senate.

The 103rd Congress was drawing to a close, with several major pieces of legislation, like health care reform, a new Safe Drinking Water Act, and reform of Superfund, the toxic-waste cleanup program, left undone.

Perhaps one of the low points of that session, an incident that should have embarrassed the entire membership, occurred on October 6. A filibuster was choking off legislation that included provisions that would have barred lawmakers from accepting the gifts, junkets, and other favors from lobbyists that were such a large part of the currency of influence in the nation's capital.

There was a vote to invoke cloture, which is a parliamentary procedure to cut off the usually unlimited debate on the Senate floor and get to a vote on a bill. Supporters of the bill were trying to get to a vote on the legislation, but we were unsuccessful. As the assembled senators left the floor, a group of lobbyists who had gathered outside the door to the Senate chamber rose up with a victory cheer.

It was a telling moment, a glaring example of the kind of "business-as-usual" in Washington, D.C., that has made so many Americans feel cynical about, and alienated from, the political process.

THE INFLUENCE INDUSTRY

There is an entire culture, an "influence industry," if you will, that has grown up around the federal government, creating an exclusive club whose members have a lot to say about how laws are made. At the center of this industry are the representatives of special interests, whose job it is to persuade lawmakers to vote in the interests of their clients. These interests are entitled to press their cases to lawmakers, but when they enjoy undue influence on the policymaking process to the exclusion of ordinary Americans, something is wrong.

As we entered the 104th Congress, we saw the influence of special interests reaching ever-higher levels.

It was in this atmosphere, however, that we were able to win an important victory. On July 28, 1995, less than one year after the defeat of gift ban legislation, a bill to clamp down on the practice of gift-giving by special interests passed in the Senate by a vote of 98-0.

By passing this bill, we were able to remove one of the methods by which special interests establish close relationships with senators. It was not uncommon for their representatives to pay for golfing vacations for lawmakers or take them out for fine meals at expensive restaurants or come calling with tokens of friendship like bottles of wine or other gifts. This gift-giving was intended to smooth the path for special interests seeking to get their message delivered to lawmakers, and, while no one argued that a single gift could "buy" a lawmaker's vote, the practice, at the very least, created the impression of a Congress for sale.

With the vote to put curbs on gift-giving, we both took a step towards reforming Congress and built momentum for other important fights in the ongoing reform effort. One of these is to place new and tougher restrictions on the so-called "revolving door," the process by which lawmakers and legislative staffers leave public service and join private-sector firms only to return to lobby their former colleagues. The other is the enactment of fundamental reform of our system of financing political campaigns.

FROM LAWMAKERS TO LOBBYISTS

The "revolving door" is another prime example of the current state of politics that so many Americans find offensive. Too often, lawmakers and their staffers can work for several years in public service and then, having acquired expertise and connections during that service, leave it to secure high-paying positions with Washington lobbying firms. They then return to try to influence the people with whom they worked. Charles Lewis, executive director of the Center for Public Integrity, a government watchdog organization, looks at this system and sees a "permanent ruling class" whose members enjoy access to one another's offices and ideas. No ordinary American citizen can hope to match that kind of influence.

How persistent is this problem? There is a provocative and interesting book entitled *Beyond the Hill*, published in 1995, which describes the whereabouts and the doings of 353 lawmakers who left Congress between 1984 and 1993.

Ninety-three of them, or about one in four, became registered lobbyists.

The Center for Public Integrity also reports that, since 1974, 47 percent of all former American senior trade officials have registered with the U.S. Department of Justice as lobbyists for foreign agents. This means that nearly half of the men and women who have served as our high-ranking trade representatives, who were actively involved in important trade negotiations on our behalf, and who have direct, detailed knowledge of confidential information regarding American trade and business interests, are now sitting on the other side of the negotiating table.

Senator John McCain, an Arizona Republican, and I have cosponsored legislation to try to put some restrictions on the revolving door. There is already a one-year prohibition on lobbying by former members of Congress and their staff. We believe that this "cooling off" period should be significantly lengthened.

We do not believe talented and ambitious public employees should be barred from going to the private sector, but we are convinced there

Many Americans denounce the influence of lobbyists on lawmakers in Congress. However, many representatives and senators are calling for legislation to curb the power of what has been called the "influence industry."

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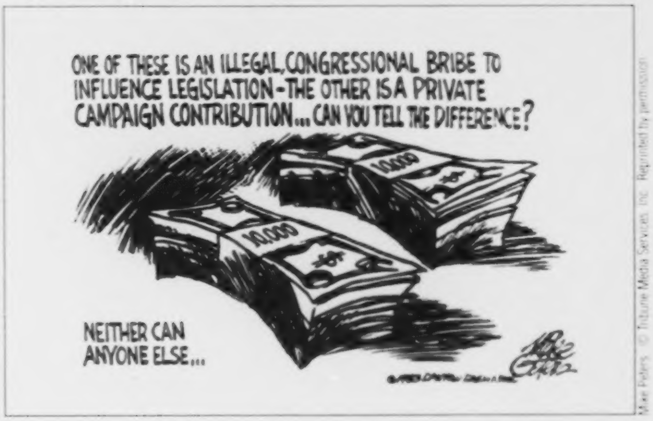
should be some restrictions put on those who choose to become lobbyists.


ONE OF THESE IS AN ILLEGAL CONGRESSIONAL BRIBE TO INFLUENCE LEGISLATION-THE OTHER IS A PRIVATE CAMPAIGN CONTRIBUTION... CAN YOU TELL THE DIFFERENCE?
10,000
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NEITHER CAN ANYONE ELSE...

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CAMPAIGN FINANCE REFORM

There is a third important piece to achieving real reform in Congress—reform of the system of funding political campaigns.

Everyone realizes the cost of running for public office, particularly the U.S. Senate or the House of Representatives, has soared into the stratosphere. In 1992, the year I was elected to the Senate, the average cost of a winning Senate campaign was about $3.9 million. Just two years later, the average cost jumped by almost three-quarters of a million dollars to about $4.6 million.

In 1994, candidates for seats in the House raised an estimated $786 million for their campaigns, and that figure was up nearly 60 percent from the amount of money raised by House candidates only four years earlier. The average House incumbent in 1994 spent about $544,000, while the average challenger spent about $207,000. Ninety percent of the incumbents won reelection. Few people have those kind of resources, which means that a lot of Americans are, in effect, locked out of the political process for lack of funds.

This also creates another opportunity for special interests to gain access to lawmakers. Raising millions of dollars often means going hat-in-hand to special interests who can provide that kind of money. Even if campaign contributions don't "buy" votes directly, big donors often expect to be heard when they come calling after the election.

Thus, the people who couldn't join the electoral process because they couldn't afford it also find themselves at the back of the line to get lawmakers' attention because they were unable to make large campaign contributions.

Further, I believe there is a direct connection between the ability of special interests to provide these big contributions and then create or protect federal largesse—in the form of tax breaks, contracts, or subsidies—they receive.

All this is bad for democracy.

I have been working with a group of senators to reform this system. We cosponsored reform legislation that, among other things, would have put voluntary spending limits in place, banned contributions from political action committees (PACs), and closed loopholes in the current law that allow the unrestricted flow of "soft money," that is, contributions to political parties that are currently unregulated and unlimited.

Many Americans believe that a democracy only works when the people can trust their elected officials to act in the best interests of the country, not just those citizens who can wine them and dine them, who can come up with big contributions at election time, or who have created lucrative careers based on experience gained on the public's payroll. We have already taken one step towards reform when we adopted the gift ban. The other battles are coming, and, eventually, they will be won.

POLITICAL ACTION COMMITTEES: TWO VIEWS

Lin Shinski

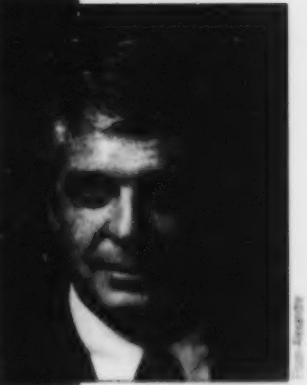
Ann McBride
is the president of Common Cause, a citizens' legislative interest group that works for institutional reform in federal and state government.

PACS CORRUPT THE SYSTEM

The concept of "one person, one vote" is a pillar of our democracy. In the American political system we are all equals, with each citizen's vote carrying the same weight, none more than the other.

The Watergate scandal of the early 1970s that led to President Richard Nixon's resignation was a serious challenge to our democracy and the system of "one person, one vote." The scandal ranged far beyond that of a simple break-in at the Democratic National Headquarters at the Watergate Hotel. It also exposed some of the worst campaign abuses in history. The Watergate era was one of massive, unregulated presidential campaign contributions. Political donors gave millions of dollars to presidential campaigns and often received special and unfair benefits from the government in return.

In the 1970s, the Congress passed



Thomas Berglund
is former chairman of AMPAC, the political action committee of the American Medical Association. Dr. Berglund has also chaired the Michigan State Medical PAC.

PARTICIPATING IN THE POLITICAL PROCESS

After an election, the nation lets out a collective sigh of relief as another frenetic campaign season comes to a close. It seems that each successive election involves more literature, more media advertising, and more television commercials. But apart from the constant barrage of information (and promises) from candidates, have you ever stopped to think that there is something more behind all the hoopla?

Political action committees (PACs) do. They recognize the need for people to band together so that they can be heard in the complex political world of today. More important, PACs encourage political participation far beyond listening to countless television spots or even casting a ballot on election day. PACs play a vital role in American democracy: They draw individuals into the system and enable citizens to be active in our political process.

The idea of groups of citizens joining together in political efforts goes back as far as the founding of the nation. James Madison, in writing his defense of the new Constitution, foresaw groups or "factions" as crucial to the balance of power in a representative democracy. He reasoned that if factions were encouraged to "multiply and grow," no single faction would gain too much power and remove the incentive for compromise with other factions in society. PACs

MCBRIDE CONTINUED . . .

legislation that established our presidential election system and set limits on contributions to presidential candidates. These reforms were milestones in the fight to protect democracy, to promote fairness, and to return "one person, one vote" equality to all Americans.

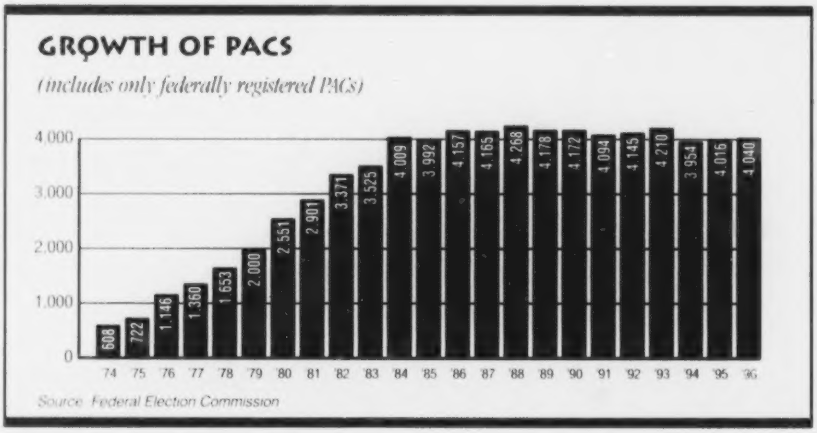
The presidential election system provides public financing in the general election for presidential candidates who agree to limit their campaign spending. Under this system, candidates have been able to run without relying on contributions from special-interest political action committees (PACs) or large contributions from businesses and individuals.

The presidential election system worked well for more than decade, helping to provide us with clean elections. But in the late 1980s, special interests found a chink in the armor—a loophole in the federal election law—that they are using today to funnel unlimited amounts of money to presidential candidates, just as they did in the Watergate era. The loophole is known as "soft money" and it needs to be closed if we are to have presidential elections that are free of special interest money.

Here's how soft money works. Corporations, unions, and wealthy individuals now write their huge campaign checks to the political parties instead of to candidates. By doing this, they avoid federal campaign contributions limits. The parties then funnel the soft money to state parties, which spend it in ways that affect federal elections. This soft money loophole allows candidates to get millions of dollars in contributions that would be illegal if the money was contributed directly to a candidate's campaign.

Congressional campaigns, which have no spending limits, also are awash in soft money, as well as special interest PAC money. When Congress established a system to clean up presidential elections in 1974, it failed to create a similar system for House and Senate elections. Since then, congressional campaign spending has exploded. In a single Senate race in California in 1994, for example, the two candidates spent a combined $44.3 million.

BERGLUND CONTINUED . . .



Source: Federal Election Commission

are the modern-day version of Madison's 200-year-old political theory.

PACs themselves are not new to American politics. The first PACs were formed in the 1940s, by labor unions on behalf of their members. In 1961, the American Medical Association created the first nonlabor PAC. The campaign reform laws of the early 1970s, however, provided the impetus for the growth of PACs over the past decade.

The proliferation of PACs has created political fallout far beyond what the original supporters of campaign reform ever imagined, but more often than not, the results have been exceedingly positive. First and foremost, more citizens than ever participate in the political process because PACs allow people of relatively limited means to compete on more equal footing with people who have a lot of money. The Supreme Court has called the formation of PACs an "amplification" of the individual's political voice.

There is nothing inherently immoral or corrupt about contributing money to political campaigns. Yet, the public always has been and always will be fundamentally suspicious of the role of money in politics. Congress has worked to alleviate

MCBRIDE CONTINUED . . .

PACs—representing businesses, unions, and other special interests—are helping fuel the increase in congressional campaign spending. They are funneling millions of dollars to congressional candidates—contributions given because PACs seek government favors, tax breaks, and other perks. Political candidates, in turn, are spending PAC money in their campaigns in record amounts.

Between 1974 and 1995, the number of PACs in the United States mushroomed from 608 to 3,954. During that period, PAC contributions to House and Senate candidates grew from $20.4 million in 1976 to $172.9 million in 1994. In 1976, House incumbents raised about one-third of their total campaign contributions from PACs. Eighteen years later, in the 1994 elections, incumbents raised almost half of their contributions from PACs.

PACs are exerting an increased grip on our elected officials because their contributions to candidates come with strings attached. In the process, they are shaping public policy that is often at odds with what most of what the public says it wants.

For example, in early 1996, Congress passed a major agricultural reform bill that slashed the federal price supports for a wide range of agricultural products. At the same time, Congress left alone the sugar program, which keeps the costs of sugar in the United States at nearly twice the worldwide level. The next time you buy breakfast cereal or any other sugar-sweetened product, you will pay more because of the sugar program.

How do sugar producers maintain the sugar program, which forces Americans to pay more when they go grocery shopping? During recent years, sugar interests have used millions of dollars in campaign contributions and soft money to carve out this highly favorable—and grossly unfair—sweet deal.

Another example of special interest influence is the March 1996 vote by the House of Representatives to repeal the ban on the sale of assault weapons, a ban that has the support of a majority of the American people. Following up on a promise made by House Speaker Newt Gingrich (R-Ga.)

BERGLUND CONTINUED . . .

some of the uneasiness by limiting the amount each PAC can contribute to an individual candidate—thus, a candidate for public office can accept no more than $5,000 per PAC per election season.

This may seem like a lot of money until you realize that campaigns for congressional seats cost upwards of $500,000, and for a Senate race can run as high as $20 million. Even more important, however, is that very few PACs collect enough money to be able to contribute the maximum allowed in any political race.

Given the figures and restraints, there can be no such thing as one PAC buying a legislator's vote. The fact is that when so many PACs are contributing money to so many candidates, the effect is to cancel one another out. Madison's many factions are at work.

Yet PACs do have their critics. Many "PAC attacks" center on the alleged relationship between the high cost of campaigning for elective office and PAC contributions, a charge with no foundation. Effective campaigning in America today requires large expenditures. It is each voter's decision to act independently—rather than allowing a political party or other institution to make the choice—that is responsible for rising campaign costs. One candidate must reach hundreds of thousands of independent-minded voters, and, in American society, the two most effective means of reaching those voters—television and direct mail—are also the two most expensive.

One encouraging note is a study that uncovered a cause-and-effect relationship between campaign spending and voter awareness—the more money spent, the more informed the voter. However discomforting the large sums may be, who can argue with results that create a well-informed and knowledgeable American voting public?

Recent attempts to reform the current campaign financing laws raise the issue of fairness. Most proposals favor the incumbent, because a challenger would have to go to great lengths (i.e., vast amounts of personal income) to achieve recognition as a viable candidate. Two oft-mentioned proposals—limiting campaign expenditures and taxpayer financing—would actually

MCBRIDE CONTINUED . . .

to the National Rifle Association (NRA), the House voted 239-173 to repeal the assault weapon ban.

The 239 representatives who voted to overturn the ban received $3.3 million in PAC support from the NRA during the past decade. On average, members of the House who voted to overturn the ban received $14,056 from the NRA between 1986 and 1995. In contrast, representatives who voted to keep the ban on assault weapons received an average of $659 from the NRA.

These and countless other examples show that our political system needs reform to fully restore "one person, one vote" democracy. But many in Congress, who benefit from the current system, are fighting tooth and nail to prevent reform. The problem: that we are asking Congress to reform itself. We are asking the very members of Congress who benefit from the current corrupt system to end it.

There are exceptions to the rule. Some members of Congress actually are working to change the system. But many members of Congress refuse to support change. When these members accept PAC campaign checks, and then help kill honest campaign reform efforts, they are effectively saying that the will of the people doesn't matter compared to campaign contributions. It's not hard to understand why Americans are so dissatisfied with politics when you consider the politicians who continually refuse to reform the system.

As you, in your lifetime, become active in politics, I hope you will regard campaign finance reform as one of the issues that is important to you. We cannot have real representation—real democracy—if PACs and other special interests are running the country from behind the scenes.

We are not powerless against the current corrupt system. More than 80 percent of Americans say they want to limit the amount of money special interests use to fund their campaigns. But we must work together and demand to be heard. The time for campaign finance reform is now.

BERGLUND CONTINUED . . .

favor incumbents, who begin reelection campaigns with the advantages of office: salary, staff, travel, communications, and free media attention.

Moreover, limits on campaign expenditures strike at the heart of our First Amendment rights. There is considerable question whether any proposal relating to expenditure limits could withstand a constitutional test. In one recent decision, the Supreme Court ruled that Congress cannot limit the amount PACs spend independently on presidential candidates without violating the First Amendment rights of freedom of speech and association.

However, there are some measures that would improve the current system. First, expanding disclosure laws to include hidden costs now often buried in campaign ledgers would enable the public to have the facts necessary to make informed voting decisions.

Second, increasing the limits on, and providing tax deductions for, individual campaign contributions would further encourage people to become involved in the political process.

Third, encouraging radio and television stations to schedule debates and discussions of campaign issues would help reduce the costs of media exposure.

And, fourth, requiring congressional candidates to refund or donate to charity any campaign funds left thirty days after the election would eliminate the incentive to collect money for any purpose other than winning the current office at stake.

The most important fact remains: PAC contributions to congressional candidates do not represent a danger to the American political system. The diversity and number of PACs are testimony to the health of democracy rather than to its sickness. PACs do not represent a monolith of business, health, trade, or any other special interests, but rather the interests of a pluralistic society.

PACs are an outgrowth of the American political process and offer an opportunity available to every American citizen—the right to have a voice in our government.

CASE STUDY

Interest Groups

THE TOBACCO LOBBY

by Pherabe Kolb

Close Up Foundation/Renée Bouchard

In a nation as large and diverse as the United States, disagreement among the population is inevitable. Even in the 1700s, when the country was considerably smaller and more homogenous, there was dissension. In 1787, James Madison warned the delegates to the Constitutional Convention that a "faction" of angry citizens might attempt to overthrow the new government—much as the revolutionaries had done a few years before. "[A] zeal for different opinions . . ." he wrote in *Federalist 10*, "[has] divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to cooperate for their common good."

Madison believed, however, that a representative democracy would contain "the cure" for dealing with disgruntled citizens. Under this system, a "faction" could only become as powerful as the number of its supporters. Eventually, the framers designated a few acceptable ways for Americans to express their dissatisfaction peacefully. The First Amendment gives Americans the right to speak their minds, publish their complaints, and "peaceably to assemble, and to petition the Government for a redress of grievances."

Since the First Amendment was added to the Constitution in 1791, Americans have "assembled" thousands of groups around a multitude of issues and causes. In 1835, a young Frenchman named Alexis de Tocqueville visited the United States and wrote, "I have come across several types of association in America, which I confess, I had not previously the slightest conception . . . it seems Americans are forever forming associations."

If de Tocqueville were visiting the United States today, he would see that nearly everyone, from restaurant owners to teachers to skiers, has formed an interest group and set up shop in Washington, D.C. Though many Americans are concerned about the increasing power of these special interests, the truth remains that interest groups, as Madison unknowingly predicted, provide citizens with a powerful means of exerting influence over the political process and play a pivotal role in shaping the nation's policies.

CASE STUDY

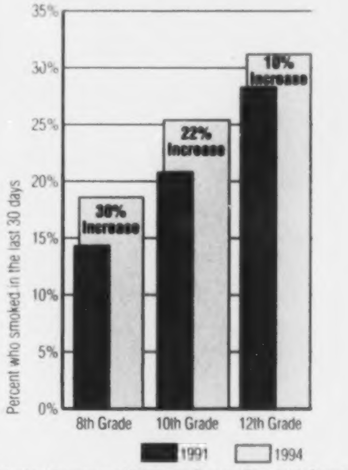
WHAT ARE INTEREST GROUPS?

An interest group is an organization of people with shared ideas and attitudes who attempt to influence public policy. The National Rifle Association (NRA), the American Medical Association (AMA), and American Association of Retired Persons (AARP) are all well-known interest groups. However, a group does not need a headquarters in Washington, D.C., or a catchy acronym to play an important role in American politics. Even without belonging to the organizations that represent them, groups of people with shared interests, such as farmers, factory workers, or oil company executives, can affect the outcome of an election and influence lawmakers if they voice their opinions and vote regularly.

Interest groups, both formal and informal, advance their agendas in a variety of ways. Staging public protests, holding petition drives, and testifying before congressional committees are some of the ways they raise awareness of their causes. Established interest groups often employ lobbyists whose job it is to persuade lawmakers to vote favorably on relevant legislation. Members of Congress rely on information and statistics gathered by lobbyists to support their arguments. In addition, many groups contribute money to political parties and candidates for public office.

TEEN SMOKING ON THE RISE

From 1991 to 1994, the increase was greatest among eighth graders, who are 13 and 14 years old.



Source: University of Michigan Survey Research Center, Monitoring the Future Project, 1995

THE TOBACCO LOBBY

Of all interest groups, the tobacco lobby is one of the most visible. The term "tobacco lobby" refers to the interest groups that represent cigarette manufacturers, tobacco farmers, and smokers. The six major tobacco manufacturers—American Brands, Brown & Williamson, Liggett Group, Lorillard, Philip Morris, and RJR Nabisco—employ independent lobbyists and law firms to protect their interests in Washington. They are also represented jointly by the Tobacco Institute, a lobbying organization that concentrates solely on their industry.

Other interested groups, such as the Tobacco Growers Information Committee, represent the farmers who depend on these manufacturers to buy the tobacco they grow. A few others, the National Smokers' Alliance for example, represent Americans who enjoy smoking and are frustrated by the current efforts to make smoking a more expensive and less convenient habit. Though their opinions on some issues may differ, all of these groups oppose increased governmental involvement in the tobacco industry and often work together to fight regulatory initiatives.

Recent events have made tobacco lobbyists some of the busiest people in Washington. The U.S. government believes that smoking is a dangerous habit that should be regulated closely. Government officials say that smoking-related illnesses cause 420,000 deaths annually and are responsible for $50 billion in health care costs a year. Many lawmakers blame the tobacco industry's advertising and marketing strategies for the recent rise in teen smoking rates. Only increased government involvement in regulating the industry, say many in Congress, will reverse these disturbing trends.

The tobacco lobby and millions of Americans, however, think that the federal government has stepped out of bounds by attempting to regulate this private industry. Tobacco farmers and factory workers say that the government's increased regulation threatens their jobs and their way of life. Some conservatives and Libertarians believe that government should not interfere with private businesses—no matter what their product. Many smokers believe the antismoking legislation of the last few decades unfairly discriminates against them.

These recent battles have also shed light on issues beyond tobacco regulation. To some Americans, the tobacco lobby is an example of an interest group with too much power. They say that the tobacco lobby represents greedy corporations who want to make money from a harmful product. Though strict federal laws regulate financial contributions to candidates for public office, many Americans believe that interest groups, like the tobacco lobby, "buy" politicians.

Other Americans, however, applaud the visibility and clout of this powerful lobby. For factory workers, farmers, and smokers who may live far away from Washington, lobbyists can provide them with access to lawmakers and political procedures that they would not otherwise have. Limiting the reach of interest groups, some supporters say, would violate their constituents' rights to free speech and assembly guaranteed by the First Amendment.

Like many interest groups, the tobacco lobby has used a combination of methods to seek favorable political treatment through the years. Because tobacco is big business, involving everyone from multinational corporations to small-town farmers, lawmakers pay attention when tobacco talks. For example, tobacco-related industries generate more than $45 billion in business revenues annually. Taxes on tobacco products provide millions of dollars in revenue for federal and state governments. According to industry figures, 700,000 people nationwide rely on tobacco-related jobs for their paychecks.

THE HISTORY OF TOBACCO IN AMERICA

In addition to its economic impact, tobacco has played a significant role in American culture throughout history, shaping styles and habits for more than five centuries. Cigarette smoking is now as popular worldwide as other less controversial American creations such as baseball and Coca-Cola. This history and universality is in large part responsible for the influence tobacco now enjoys on Capitol Hill.

American Indians in the New World first introduced tobacco to the Europeans in the fifteenth century. Christopher Columbus noted in his journal that he had observed Indians on the island of Hispaniola "drink smoke" after wrapping tobacco in a leaf, lighting one end, and sucking on the other. Other native peoples smoked tobacco in pipes or chewed the leaves to receive the desired narcotic effects.

By the 1550s, Spain and Portugal began importing tobacco leaves for their "medicinal" qualities. Pipe smoking in England began in the 1560s and increased greatly after Sir Walter Raleigh touted its qualities to members of the British royal court. The European demand for the product increased and the colonies in North America—eager to find a profitable export—began cultivating tobacco as a cash crop. Soon farmers in Virginia, Maryland, and North Carolina began planting tobacco; they reaped almost immediate rewards. A visitor to Maryland in 1710 wrote that "Tobacco is their meat, drink, clothing, and money."

The rise in pipe smoking at home and abroad made tobacco a very profitable crop for the colonies. By the 1770s, America was exporting 100 million pounds of tobacco to England annually. After the American Revolution, cultivation of the crop spread farther south to Georgia, South Carolina, Kentucky, and Tennessee, where it became an agricultural

Close Up Foundation/Renée Bouchard

Big tobacco-producing states are home to thousands of farmers who oppose increased government involvement in their industry. They believe the policies will drive them out of business. Here, two Maryland tobacco producers discuss the price of this year's crop.

staple. Indeed most states in the Atlantic region—from Connecticut in the North to Florida in the South—began growing tobacco for commercial use some time in the 1800s.

In the mid-1800s, tobacco production in the South decreased to make room for the more lucrative business of growing and exporting cotton. Cotton farming, however, was dependent on slave labor for its cultivation and was difficult to sustain after slavery was abolished. Moreover, cotton drained the soil of valuable nutrients after just a few growing seasons. Thus, many farmers returned to growing tobacco after the Civil War because it prospered in even the poorest soil.

Old Gold
CIGARETTES
KING SIZE
Old Gold
CIGARETTES

The Bettmann Archive

Television commercials, like this one for Old Gold cigarettes, regularly touted the pleasures of smoking to the American public in the 1940s and 1950s. However, when scientists discovered that smoking could cause cancer and lung disease, pressure mounted to limit tobacco's presence on the airwaves. In 1970, the federal government banned cigarette commercials from radio and television.

Tobacco Consumption in America. Throughout the eighteenth century, Americans consumed tobacco mostly by smoking it in pipes or by grinding it into snuff. By the 1800s, however, chewing tobacco became more common, spawning cultivation of a new type of tobacco leaf. The development of new ways to consume tobacco caused profits to rise even higher.

Cigarette smoking was not popular in the nineteenth century because many consumers balked at having to hand-roll each cigarette themselves. Factory-produced cigarettes were still too expensive to market successfully. That changed in 1881, however, when James Bonsack invented a cigarette rolling machine that could churn out close to 120,000 cigarettes a day. Tobacco smoking was made easier and more affordable for the average American when the portable match became widely available around the turn of the century. By 1921, Americans consumed more tobacco in cigarette form than by any other means.

Profits Rise. The cigarette not only increased demand for tobacco, but introduced a complicated manufacturing process to tobacco production. Manufacturers could now share in the rising profits. When James Buchanan Duke, son of a North Carolina tobacco farmer, built a factory equipped with Bonsack's machines in 1884, he quickly became a multimillionaire.

A few years later, Duke merged his venture with several other tobacco manufacturers to form the American Tobacco Company. By 1900, nine out of every ten cigarettes in the United States were produced by Duke's new corporation. But the monopoly did not last long. North Carolina brought an antitrust suit against Duke in 1911, and the American Tobacco Company was divided into several smaller firms. Despite its dissolution, almost all of today's major tobacco companies grew out of this original trust.

Early Tobacco Advertising. When large-scale advertising of consumer products exploded at the turn of the century, ads for cigarettes were no exception. Advertisers soon promoted the pleasures of cigarette smoking in magazines and newspapers. Manufacturers enticed buyers and encouraged brand loyalty by giving their cigarettes refined names like "Vanity Fair," "Three Kings," and "Golden Age." Tobacco manufacturers later expanded their marketing efforts and began sponsoring events such as the *Lucky Strike Hit Parade*, a popular 1940s radio show that helped sell millions of Lucky Strike cigarettes.

Smoking grew in popularity throughout the 1930s, 1940s, and 1950s as it was glamorized in movies and on television. On the silver screen, leading actresses were often depicted with lengthy cigarette holders in their hands. It was not uncommon to see a television news anchor smoking a pipe or cigarette while delivering the news. During World War II, the government even distributed free cigarettes to soldiers at the front. The popularity of smoking continued to grow and by 1963, Americans were smoking an average of twelve cigarettes a day.

In the 1950s, film and television personalities helped popularize smoking by making it seem like a glamorous and distinguished habit. Even respected CBS news anchor Edward R. Murrow, pictured here in 1958 hosting his news interview show *Person-to-Person*, regularly appeared with cigarette in hand.

UPI/Corbis-Bettmann

Tobacco as a Health Risk. Only after decades of warnings and restrictions did Americans finally begin extinguishing their cigarettes and pipes. Ironically, part of tobacco's lure for centuries was the supposed healing qualities it possessed. A 1602 book titled *Natural and Artificial Directions for Health* noted: "Cane tobacco well dried, and taken in a silver pipe cureth the megrim, the toothache, [and] the obstructions of a cold. . . ." Early advertising for cigarettes also touted tobacco's supposed health benefits: "Reach for a Lucky [brand of cigarette] instead of a sweet!" chimed a commercial jingle that implied smoking would help women maintain slim figures.

However, by the mid-1800s, the medical profession began to recognize the adverse long-term health risks associated with smoking and other types of tobacco use. More and more doctors noticed that their patients who had a history of smoking were the same ones who were dying of throat, lung, and oral cancers. An 1836 article in the *New England Almanack and Farmer's Friend* declared: "Tobacco is a poison. A man will die of an infusion of tobacco as of a shot through the head."

In the twentieth century, more experts noted these same links. In 1953, Dr. Ernest Wynder published a report claiming tobacco smoke caused cancer in laboratory mice. Yet the warning went largely unheeded by the public—by the 1950s, Americans were consuming more cigarettes than ever before.

Government Regulation Begins. Only when the federal government began publicizing the health risks associated with smoking did Americans take notice. In 1964, U.S. Surgeon General Luther Terry released *Smoking and Health*, a report stating that bronchitis, emphysema, heart disease, and cancer were all potential health risks of smoking. One year later, Congress passed the Cigarette Labeling and Advertising Act, requiring all cigarette manufacturers to label packages of cigarettes with the following statement: "Caution: Cigarette smoking may be hazardous to your health."

In 1967, the surgeon general published a revised report, targeting smoking as the main cause of lung cancer. Labels on cigarettes were reworded to read: "Warning: The Surgeon General has determined that cigarette smoking is dangerous to your health." To reduce the growing smoking trend, Congress in 1970 passed the Public Health Cigarette Smoking Act, banning all cigarette commercials from radio and television.

The Tobacco Industry Fights Back. Despite these government efforts, cigarette consumption in the United States remained steady at about 550 billion cigarettes per year throughout the 1960s, and rose sharply in the 1970s. This consistency was due in large part to the industry's ability to minimize the effect of antismoking initiatives.

Government efforts to curtail smoking have frustrated the tobacco industry because its profits depend on consumer access to its products. Manufacturers of cigarettes and chewing tobacco are not the only groups affected by this regulatory legislation. Farmers who grow tobacco, advertisers who market tobacco products, and paper factories that produce containers for cigarettes are all examples of other groups affected by reduced tobacco sales.

In several instances, when the government threatened to further regulate the industry, tobacco companies unveiled alternative programs to show that government oversight was unnecessary. For example, in 1964, soon after the surgeon general released the first report on the danger of smoking, the tobacco companies vowed to stop ads that targeted young people or made unsupported health claims.

In other instances, the industry was able to maneuver around the intentions of government regulation. In 1967, the Federal Communications Commission, citing the "fairness doctrine" for television, ordered that all stations carrying commercials for cigarettes make time for ads that explained the dangers of smoking. The new policy caused cigarette sales to drop sharply. Thus, when the government banned television and radio ads for cigarettes in 1970, the tobacco companies did not protest because the ban also removed the antismoking ads from TV. Instead, they increased magazine, billboard, and direct mail advertising—media exempt from the "fairness doctrine"—and sales rose again.

The mounting evidence that cigarette smoking caused cancer and other diseases, however, became a major problem for the tobacco industry. At first, tobacco companies disputed the claims altogether. Later, without fully acknowledging smoking's worst risks, the industry developed "safer" cigarettes. The advent of filter-tip cigarettes in the 1950s and "low-tar" cigarettes in the 1960s helped the industry lure back worried consumers. Today almost 98 percent of cigarettes sold have filters. Some brands contain less than one milligram of tar, the ingredient that scientists say causes lung cancer.

THE 1990S: TOBACCO UNDER SIEGE

By the 1980s, increased health concerns were decreasing tobacco's popularity. By 1994, only 25 percent of the U.S. population were smokers, down from 42.4 percent in 1964. Part of the decline can be attributed to increased efforts to publicize the dangers of smoking. By the 1990s, cigarette and smokeless tobacco products—and their ads—were required

Close Up Foundation/Renée Bouchard

In 1965, the federal government required that tobacco manufacturers label their products and advertisements to warn Americans about the dangers of tobacco. The original label claimed: "Smoking may be hazardous to your health." Today, the labels warn of a variety of health problems caused by smoking and smokeless tobacco use.

to carry a variety of health warnings. Labels caution users about the possible birth defects, respiratory ailments, and heart diseases associated with prolonged tobacco use.

Former Food and Drug Administration (FDA) Commissioner David Kessler, pictured here, has been one of the most vocal critics of tobacco industry practices. Due in large part to Kessler's efforts, the FDA now regulates the marketing and sale of tobacco products in the United States. Industry officials believe, however, that the FDA has no jurisdiction over tobacco products and have challenged the policy.

Food and Drug Administration

In addition, antismoking advocates formed their own interest groups. For example, the Campaign for Tobacco-Free Kids and the Coalition on Smoking OR Health lobby lawmakers and encourage them to pass tougher antismoking regulations. They charge that smoking-related illness is responsible for one in five American fatalities each year. Government intervention, they say, is not simply a political issue but a matter of life and death. These groups have mounted successful media campaigns to supplement the government's attempts to stop Americans from smoking.

Soon efforts to ban smoking in restaurants, public buildings, and sports stadiums were successful in state after state, due in large part to claims that "secondhand smoke" could be as dangerous as smoke inhaled directly. Federal and state taxes on cigarettes rose sharply as governments tried to discourage smoking by making it an increasingly expensive habit. Though tobacco remained profitable—Americans continued to smoke more than 485 billion cigarettes a year—in the 1990s the industry began to bend under mounting public and government pressure. It seemed the once untouchable "big tobacco" was now under siege.

The FDA vs. the Tobacco Industry. The Food and Drug Administration (FDA) is the federal agency that oversees the production and importation of food, drugs, and cosmetics. By requiring minimum standards of safety for products that can be sold in the United States, the FDA protects the American public from harmful substances. However, since tobacco is considered neither food, drug, nor cosmetic, it has been exempt from regulation by the FDA. In 1995, however, FDA Commissioner David Kessler proposed reclassifying tobacco as a drug, which would give the government far greater abilities to regulate its production and sale. The tobacco industry immediately voiced strong opposition to the proposal.

Is Tobacco a Drug? The FDA argues that nicotine—the narcotic ingredient in cigarettes and smokeless tobacco—is a drug and should be regulated accordingly. It cites research that shows that nicotine alters the mood of the user, making cigarette smoking an addictive habit that is difficult to quit. If nicotine is a drug, then cigarettes and smokeless tobacco are technically nicotine-delivery devices, which the FDA has the power to regulate.

The tobacco industry, however, vehemently denies that nicotine is a drug and disputes claims that cigarettes are addictive. Representatives of the R.J. Reynolds Tobacco Company testified before Congress in 1994 that "the allegation that smoking cigarettes is 'addictive' is part of a growing and disturbing trend that has destroyed the meaning of the term 'addiction' by characterizing any enjoyable activity as 'addictive.'" Industry officials also charge that the sale and production of tobacco already is highly regulated by Congress and that the FDA—an executive agency made up of nonelected appointees—is overstepping its reach by attempting to control adult consumer access to tobacco products.

Teens and Smoking. Disagreement over these points, however, was soon overshadowed by an FDA proposal on how to discourage teenagers from smoking. Although smoking among young people has declined considerably since the 1970s, the trend has been on the upswing in the last few years. A study found that in 1994, about 19 percent of eighth graders said that they smoked, up from 14 percent in 1991. More than 30 percent of high school seniors said they had smoked in the last thirty days.

In August 1995, the Clinton administration and the FDA proposed an array of recommendations aimed at reducing tobacco use among teenagers. They included the following:

- banning cigarette vending machines and enforcing laws that prohibit the sale of tobacco products to minors
- banning outdoor advertising within 1,000 feet of playgrounds and schools
- prohibiting the sale or giveaway of items (such as T-shirts and hats) that carry tobacco product brand logos
- prohibiting brand name sponsorship of sporting and entertainment events

Many of these regulations, however, could only be enforced if Congress allowed the FDA to classify cigarettes as drugs. The tobacco industry, fearful that this move would ultimately result in the total prohibition of tobacco products, instead offered its own plan to combat teen smoking. Their program consisted mostly of a media campaign aimed at curbing underage smoking. Tobacco companies began running advertisements in major newspapers and magazines denouncing teen smoking and offering parents brochures on how to talk with their children about the issue of tobacco use.

Industry representatives hoped its plan would appease government officials and prompt the FDA to back off. However, in August 1996, President Clinton announced the regulations would become law, saying it was the "right thing to do, scientifically, legally, and morally." Tobacco industry officials soon challenged the plan in court, charging that the advertising restrictions violated their rights to free speech and were unconstitutional.

Lawsuits. Recently, state governments have also begun to crack down on tobacco companies by filing lawsuits against them in court. More than a dozen states are suing tobacco companies for health care costs accumulated while caring for patients with smoking-related illnesses. In May 1996, a group of smokers claiming similar damages won a class-action suit in federal court. In August 1996, a Florida jury ruled that Brown & Williamson Tobacco Company should pay $750,000 in damages to a smoker who got lung cancer from years of cigarette smoking. These rulings are being appealed by the tobacco industry. One tobacco company, Liggett Group, startled its competitors by settling out of court on a similar case. The tobacco lobby believes that the government-led antismoking trend of recent years has created a hostile atmosphere in the courts. Industry advocates fear that lawsuits like these will eventually bankrupt the industry.

HOW BIG TOBACCO LOBBIES CONGRESS

The recent threat of FDA regulation has prompted a show of force from the tobacco industry. Those who rely on tobacco profits for their salaries believe that government regulation threatens their way of life. They have

Cigarettes
IT'S THE LAW
WE DO NOT SELL TOBACCO PRODUCTS TO PERSONS UNDER 18
TC

Close Up Foundation/Renee Bouchard

Though minors have been prohibited from purchasing cigarettes for decades, critics contend that the law was never properly enforced. In 1996, President Clinton imposed strict regulations on the tobacco industry that would, among other things, ban cigarette vending machines like the one pictured here. The president believed the measure would curb teenage smoking by making it more difficult for minors to obtain tobacco products.

AP/Wide World Photos

Though lobbyists for the tobacco industry regularly testify before congressional committees, the appearance of high-ranking corporate officials is unusual. Here, chief executives from the six major tobacco companies are sworn in at a House of Representatives committee hearing in April 1994. During the hearing, the industry leaders disputed claims that they had misrepresented the health hazards of tobacco products to the American public.

encouraged the groups that represent them to pull out all the stops in convincing the government to back off. In the first half of 1996 alone, the industry paid more than $15 million to lobbyists to voice their frustrations on Capitol Hill. Though the variety of techniques employed by the tobacco lobby have been used by countless organizations, the tenacity with which this industry has fought government regulation has brought interest group politics into the spotlight like never before.

Congressional Testimony. Like many interest groups, the tobacco industry uses information as ammunition. Tobacco lobbyists regularly blanket the offices of senators and representatives with statistics, poll results, surveys, and testimonials—all to defend the industry's position on tobacco-related issues. Though congressional staffs do their own research, many do not have the resources to commission polls or scientific studies. For members of Congress from tobacco-growing states, access to such information helps strengthen their positions.

In April 1994, FDA Commissioner David Kessler alleged that the industry had manipulated nicotine levels in cigarettes to hook smokers. Top executives from the six major tobacco companies testified at a House of Representatives committee hearing to refute Kessler's accusations. Although such a public show of strength is unusual, face-to-face debate is one of the most effective ways lobbyists can influence lawmakers.

Grassroots Organizing. In recent battles with Congress, the tobacco industry distributed testimonials from individuals who depend on the tobacco industry for their livelihoods. For example, in January 1995, Brown & Williamson Tobacco Corporation factory employee Faye Waters spoke at a press conference on behalf of tobacco industry workers. While holding up petitions that held nearly 10,000 signatures from other employees, Waters told what effect increased federal regulation would have on her family and her town. "Commissioner Kessler and the FDA may be aiming at the industry's corporate executives," said Waters, "but they are going to hit its working families right between the eyes."

Tobacco manufacturers also recruit their customers as potential lobbyists for their cause. Buyers of Philip Morris brand cigarettes receive a newsletter called "Smokers' Advocate" to keep them apprised of antismoking legislation in the national and state legislatures. In 1995, the industry flew in smokers from around the country to march on Capitol Hill to protest FDA regulation proposals. When the Occupational Safety and Health Administration (OSHA) proposed banning smoking in the workplace in 1994, the tobacco lobby alerted the business community and urged them to voice their opposition to the project. OSHA soon received more than 110,000 letters on the issue.

The tobacco lobby also represents tobacco farmers who are concerned that federal regulation will decrease sales and drive them out of business. For example, tobacco is the largest cash crop in Virginia, accounting for more than $168 million of revenue annually. In North Carolina, tobacco brings in $3,862 per acre, whereas cotton, the next most lucrative crop that can grow on similar land, brings in only $380 per acre. One farmer, wearing a "Keep FDA Off the Farm" baseball cap, told reporters in April 1996 that tobacco was the "lifeblood" of her community. Another said money from tobacco farming had kept his family fed and clothed during the Great Depression. The tobacco lobby hopes that publicizing the effects of tobacco regulations on industry workers will help them gain favor on Capitol Hill.

Political Campaign Contributions. One of the most powerful ways that interest groups, like the tobacco lobby, can influence members of Congress is to contribute to their campaign funds. While corporations cannot directly fund federal election campaigns, they may form political action committees (PACs) to do it for them. PACs are organizations set up by interest groups and companies to collect and spend money for political purposes. In 1995, there were more than 4,000 PACs representing countless interest groups and corporations. PACs are allowed to give up to $5,000 to each political candidate they support. Yet on their own, corporations may contribute unlimited amounts to political parties. These donations are called "soft money" because they are not limited and are difficult to attribute to one particular industry.

In 1995, tobacco companies contributed $3.2 million in soft money—more than any other industry—to Republican organizations like the Republican National Committee. Democrats received only $700,000, mostly because they have more actively supported the antismoking initiatives of the last few years. The tobacco industry also contributes heavily to candidates for local offices, especially in big tobacco states such as North Carolina and Virginia.

Critics say these figures prove the tobacco industry buys votes in Congress. The industry disagrees and says that lawmakers vote to support tobacco interests because they agree with the industry's stance on the issues, not because of its campaign contributions.

THE END OF TOBACCO ROAD?

The tobacco industry has undergone intense scrutiny in recent years because of rising concerns that smoking is a hard-to-break and deadly habit. Yet groups and individuals who oppose the tobacco industry are angered as much by the tactics it uses as by the products it sells. Critics have complained that because tobacco is such a lucrative industry, it has a disproportionate amount of influence in Congress. They believe that the number of people who would be harmed by anti-tobacco legislation is far less than the number of lives such legislation would ultimately save.

The harshest critics have called tobacco companies "merchants of death" and have accused them of trying to make money off a product they know is harmful. Some say that

Merit
You bet you can!
Virginia Slims

Close Up Foundation/Renée Bouchard

Critics of the tobacco industry say that popular ad campaigns entice young people to start smoking. New regulations would ban tobacco advertising in publications aimed at younger readers. The industry claims these restrictions would violate their First Amendment right to free speech.

tobacco industry representatives have repeatedly lied to Congress about whether they manipulated the nicotine levels in their cigarettes to keep smokers hooked. In light of these revelations, many say that it is time for big tobacco to step down and face the reality of increased government regulation of their industry.

The tobacco industry, however, is unwilling to step aside. It believes the government is stepping out of bounds by imposing strict regulations on a private industry. Tobacco manufacturers and growers believe smoking is a choice that adults should be allowed to make. Though they have been criticized for their aggressive approach, they believe the Constitution guarantees them the right to lobby Congress for more favorable treatment.

Will the tobacco industry survive this round of government initiatives? The economic effect of smoking bans and advertising rules will no doubt figure prominently in the debate. If the pace of government regulation continues, the industry may abandon the U.S. market altogether and instead seek profits elsewhere. The growing demand for cigarettes among China's billion-plus population, for example, has recently caught the attention of several major U.S. tobacco companies.

In addition, if evidence that tobacco industry officials lied to Congress is uncovered, the industry may have a tough time arguing the case that it should not be more highly regulated. But state governments may flinch at increased regulation if they believe it will result in lost tobacco tax revenues. Ultimately, the answer could lie in how members of Congress view the interest groups on both sides of the smoking issue. If the American people continue to demand stricter smoking regulations, lawmakers may be unable to turn a deaf ear no matter how much money the tobacco industry donates to their campaigns.

This current debate over the growing influence of the tobacco lobby shows that Americans are as afraid of interest groups today as James Madison was of "factions" when the Constitution was written more than 200 years ago. To some Americans, these groups possess disproportionately more influence than the individuals they represent. To others, they are just another means by which citizens can participate in the political process. Yet all agree that interest groups, though not specifically mentioned in the Constitution, have become some of the most powerful players in American democracy.

CHAPTER 8

THE PEOPLE

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Jimmy Carter once said, "The only title in our democracy superior to that of president is the title of citizen." The American political system works because it relies on the involvement of citizens. The American people have a responsibility to participate so that their views and desires are heard. Their choice should be not whether to participate, but how to participate. The articles in this chapter explore the many ways Americans can get involved in their government and communities.

For generations, citizens have gotten involved by volunteering. Harris Wofford of the Corporation for National Service says that in this era of smaller government, the United States, now more than ever, needs dedicated citizens to volunteer their time and ideas to help solve the problems that still plague the country. Wofford believes that service is not merely a moral or religious duty, but one that is essential to a democracy.

The right to vote is an ideal for which millions of people around the world are still risking their lives. However, as Curtis Gans points out, the United States has the lowest rate of voter participation of any democracy in the world. Only 49 percent of eligible voters bothered to vote in the 1996 elections, the lowest turnout since 1924. Gans, the director of the Committee for the Study of the American Electorate, outlines the dangers of voter apathy and suggests several ways to reverse this trend, arguing that "voting is a religious act" and that every citizen must come to believe that his or her vote makes a difference.

Ralph Nader of Public Citizen believes that one reason for low voter turnout is the two-party system. Nader, who ran for president in 1996 as the Green Party candidate, argues that the differences between the Democratic and Republican Parties have become blurred, almost to the point of nonrecognition. According to

Divider Photo Credit—Close Up Foundation/Renée Bouchard

Nader, only a strong third party that has not been corrupted by money can restore citizens' faith in the political process.

Activism to bring about social change is another way to participate. Alice Yang, president of the Greater Washington, D.C., Chapter of the Organization of Chinese Americans, describes how the Asian Pacific–American community has in recent years begun to assert itself more in public affairs, dispelling the stereotypes that have often been attached to Asian Americans across the country.

According to some surveys, older Americans have a greater sense of civic duty than younger Americans. Richard Thau, executive director of Third Millennium, believes that if young people want their elected leaders to start making the tough choices—regarding, for example, the exploding costs of entitlements—that will help secure a strong America in the future, they must take an active role in the political process now. Whether it be by voting, lobbying, organizing, or simply attending a political debate, if young Americans do not get involved, decisions will continue to be made about their future without their voice being heard

One issue that has attracted the attention of many young activists is AIDS, the focus of this chapter's case study. What began as a mysterious, little-publicized health problem in the early 1980s had, ten years later, mushroomed into a national crisis. The case study traces the early attempts on the part of the government, private organizations, and citizens to educate the public. Two AIDS patients who made a difference are profiled. In the mid- to late-1980s, Ryan White confronted fear and prejudice in his hometown in Indiana and spent much of the rest of his life in the public spotlight, fighting to lead the life of a normal teenager. Pedro Zamora, in the words of President Clinton, "taught people living with AIDS how to fight for their rights and live with dignity."

The Constitution's most important words are the first three: "We the People." We the people decide who runs the government by voting and joining political parties. We the people determine the quality of American communities through volunteerism and activism. In the United States, government begins and ends with we the people.

José Arturo López

Close Up Foundation/Renée Bouchard

Harris Wofford, *a former U.S. senator from Pennsylvania, is chief executive officer of the Corporation for National Service.*

NATIONAL SERVICE: GETTING THINGS DONE FOR AMERICA

In his 1996 State of the Union address, President Bill Clinton declared, "The era of big government is over." No longer will we look to government to solve most of the nation's problems. Even though government is being reduced, many of these problems—from crime and drugs to illiteracy and homelessness—are mounting.

To meet these challenges, we need to unleash the greatest power our country has—the energy and idealism of our people. If President Clinton is right, and big government is not the answer, then we need big citizens, who can act on the problems that are worsening in our midst. This must be our aim: to crack the atom of civil power, and release it to solve our most pressing problems.

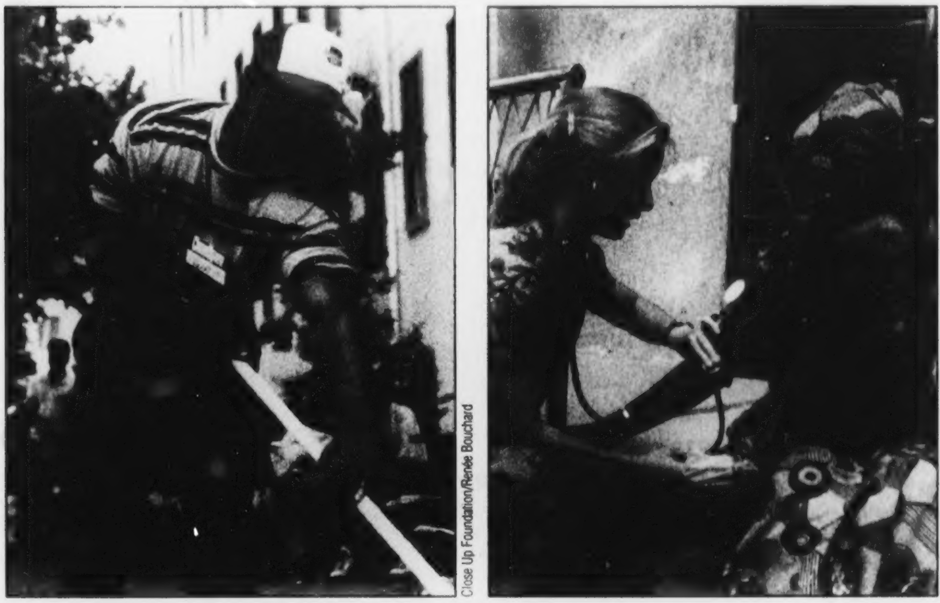
AMERICAN TRADITION OF SERVICE

Service is not a new idea in America. Traveling across American in the 1830s, the French writer Alexis de Tocqueville observed that Americans did not wait for the government to act to solve a problem. If a school needed to built, they built it. If a barn needed to be raised, they raised it. Tocqueville marveled at how Americans constantly were forming groups to meet common goals, and to this day, no country in the world has such a vast network of clubs, church and civic groups, and neighborhood organizations.

In this century, each new generation of Americans has risen to the challenge of service. In the Great Depression, 4 million young people joined the Civilian Conservation Corps, planting trees, restoring parks, and building roads, bridges, and trails that we still enjoy today. In the 1940s, the GI Bill first linked service with educational opportunity when a grateful nation rewarded its returning World War II veterans with funding for education.

For the next generation, the call to service came from President John F. Kennedy, who launched the Peace Corps. "Ask not what your country can do for you," President Kennedy declared in 1961, "ask what you can do for your country." Since the early 1960s, more than 140,000 Peace Corps volunteers have traveled to the poorest corners of the globe, building schools, helping farmers, treating the sick, and building a global community.

The 1960s also saw the birth of Volunteers in America, or VISTA. For over thirty years, VISTA has helped low-income communities to help



Close Up Foundation/Renée Bouchard

Peace Corps

Service has a long tradition in the United States. For generations, Americans have volunteered their time and talents to help solve problems at home and abroad. Left, a student cleans a sidewalk in Washington, D.C. At right, a Peace Corps volunteer offers health education to a mother and her child in the African nation of Niger.

themselves. Along with VISTA, a diverse array of service programs began to grow up from the grassroots: conservation corps, urban youth groups, and service opportunities generated by high schools and colleges, businesses, churches, and civic organizations.

THE BIRTH OF AMERICORPS

A new vital force of citizen power is AmeriCorps, the national service program. Rooted in the best traditions of the past, AmeriCorps is a model of problem solving for the future: cost-effective, locally controlled, and relying on people power—not government bureaucracy—to get things done.

AmeriCorps was created by Congress and President Clinton in 1993. The program was built on the foundation of the first National Service Act, passed by President George Bush in 1990.

By 1995, AmeriCorps had given more than 40,000 people a chance to get things done to make our people safer, smarter, and healthier. Today, AmeriCorps members tutor children, fight crime, build homes, clean up the environment, recruit volunteers, and do countless other things to improve our lives. In exchange for a year of full-time service, members earn a living allowance and an education award of $4,725 to help pay for college.

AmeriCorps members feel deep pride about being involved in their communities and solving problems they didn't know they could solve. Ask Michelle Harvey, whose AmeriCorps team in Kansas City helped close forty-four crack houses and keep her neighborhood free from drug dealers. Or Sean Whitten, who used his AmeriCorps training to rescue a young woman who was lost for two days in the freezing cold mountains of Tennessee.

A majority of AmeriCorps members are working on the critical problems of children and youth. They tutor, mentor, organize after-school programs, teach drug prevention, and help kids get to school safely.

But the true power of this movement is not how we serve youth, but how we challenge the young to serve. National service looks at younger people as resources, not as problems; as opportunities, not dangers.

AmeriCorps is just one part of a larger family of programs overseen by the Corporation for National Service. That family includes more than 450,000 older American volunteers serving in the three programs of the Senior Corps—Foster Grandparents, Senior Companions, and RSVP. America has the largest, fastest growing, best-educated group of seniors in our history. We must do far more to realize the potential of more than 50 million seniors, who bring to service a lifetime of skills and experience as parents, workers, and citizens.

The other great pool of talent just waiting to be tapped is the 50 million young people in our schools, colleges, and universities. Through Learn and Serve America, a half million students are learning citizenship in a direct and vital way, not by textbooks, but by serving, by working on problems in society. The skills and habits they develop—teamwork, self-discipline, initiative—will help them become productive workers and responsible citizens.

THE CALL TO SERVICE

Now more than ever, our country needs citizens to serve in our communities. We face profound challenges that need our attention—from city streets plagued by crime and drugs to classrooms where students are falling behind.

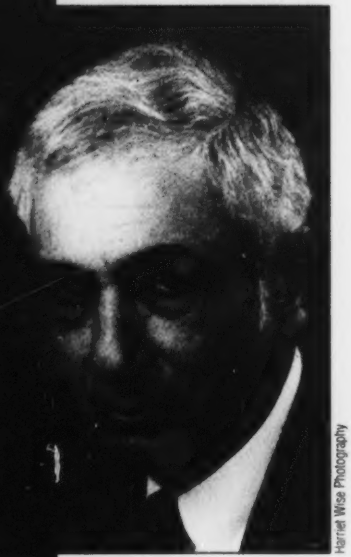
Every major religion preaches that it is better to serve than be served, more blessed to give than receive. These religions, which are centuries old and diverse in so many ways, share a common belief in service. As Martin Luther King, Jr., said: "Life's most persistent and most urgent question is, 'What are you doing for others?'"

But service is more than a moral or religious obligation. It is essential for our democracy. America was founded on the idea of self-government, on the rights and powers of the people. Effective government depends on civic participation. Healthy communities depend on informed, active citizens.

In a nation as diverse as America, our country cries out for something to bring us together. Service and citizenship have helped keep us together for more than two centuries through all kinds of challenges, in spite of all our differences. As Americans look at each other across a racial and economic divide, national service can be common ground.

There is a lasting joy that comes from serving others. The harder we work for others and the betterment of society, the more fulfilled we feel. Thomas Jefferson called it the "public happiness" that comes from participating in self-government.

The secret heart of America and the secret to our success has always been our belief that we can change things, we can make things better, that working together we can solve our most difficult problems. As we enter a new century, and a new era of limited government, that idea—and how we put it into practice—will be more important than ever.


Harriet Wise Photography

Curtis Gans

directs the Committee for the Study of the American Electorate, a nonpartisan research organization that examines the causes of and cures for declining voter participation.

THE DANGERS OF VOTER APATHY

When the followers of right-wing activist Lyndon LaRouche won the Illinois Democratic primary nominations for lieutenant governor and secretary of state in the spring of 1986, the results were greeted with public concern. Yet, this result is the logical outgrowth of an electorate in which only a small percentage of citizens vote and an even smaller percentage is paying attention.

When few people vote, the candidates of a militant few can win.

When few people vote, the forces of an organized special interest have the opportunity to dominate the nation's political dialogue.

When few people vote, the potential for a demagogue to come to power becomes ever greater.

For the past two decades (with the notable exceptions of the recession years of 1982 and 1992 and the anti-Clinton backlash of 1994), a progressively smaller percentage of eligible Americans have been casting their ballots. In each presidential election, more than 80 million eligible Americans fail to vote. In congressional elections, the number of eligible Americans who reject the ballot box rises to more than 100 million.

Over these two decades, the percentage of eligible Americans who vote has declined by 20 percent in both presidential and off-year elections. More than 20 million Americans who used to vote frequently have ceased participating altogether. The United States—with voter turnouts of around 50 percent in presidential elections and 35 percent in off-year elections—now has the lowest rate of voter participation of any democracy in the world.

More than half of America's nonparticipants are chronic nonvoters: people who have never or hardly ever vote, whose families have never voted, and who are poorer, less educated, and less involved participants in American society. But a growing number of Americans are simply dropping out of the political process—many of whom are educated, white-collar professionals. In addition, a growing number of younger Americans are failing to enter the political process. Both of these trends constitute a major national concern, for there is a very real danger that the habits of good citizenship will die and that government of the people, for the people, and by the people will become government of, for, and by the few.

There is no predetermined optimal level of voter participation.

American democracy has both survived and prospered despite rates of voting lower than many other democracies. But the continuing and sharp decline in the level of voting and citizen involvement cannot help but adversely affect the health of American politics.

Much of the decline in voter participation has occurred during a time when the procedures governing voting have been liberalized. In 1963, shortly before he died, President John Kennedy established a commission to investigate the low rate of American voter participation. That commission, reporting shortly after his death, made a series of recommendations, including the abolition of poll taxes and literacy tests, the enfranchisement of blacks and the young, the establishment of voter outreach programs and bilingual ballots, and the shortening of the time between the close of registration and elections.

All of these recommendations were enacted either nationally or by a large number of states, but voter participation has continued to go down. This suggests that it is not the *procedures* governing American politics but rather the *substance* of American politics that is at the heart of declining rates of voter participation and public disaffection with the political process.

This is not to suggest that procedural questions are irrelevant to the low rates of American participation. Of all the democracies, the United States stands alone in making voting a two-step act by making citizens qualify themselves for voting through registration. In almost every other nation with elections, the government conducts registration and all citizens have to do is vote.

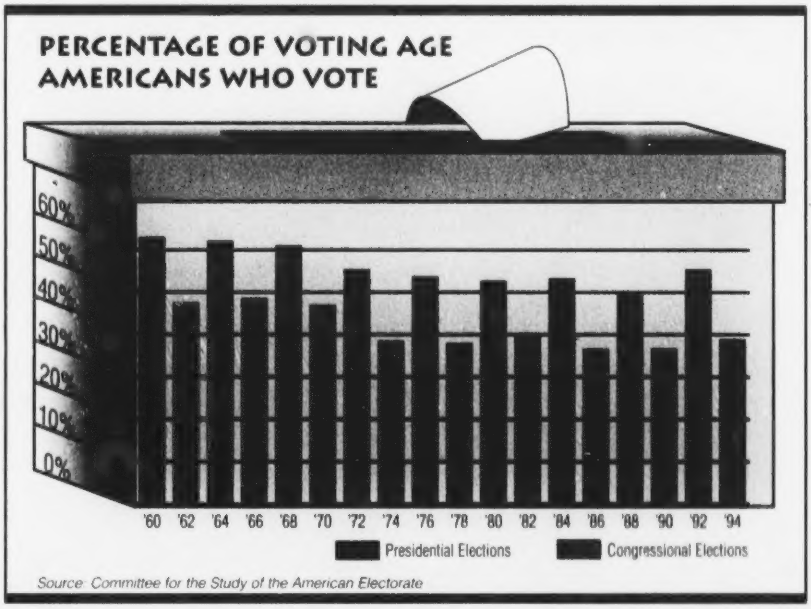
Similarly, the United States is almost alone in conducting as many elections as it does. Almost every year, citizens are called upon to vote for school board or county commissioner while other offices are elected in separate elections, a procedure that seems designed to wear out citizen interest and ensure low turnout. And the amount of information citizens, who depend on television for their news, get in order to make an informed decision tends to be limited to those offices at the top of the ballot.

The United States also tends to have polling and registration hours that are too short, ballots that are too long, and procedures that are often too difficult for the average citizen to understand. But these impediments have always been with us and, in general, have been made somewhat easier. Yet, voter participation has continued to decline.

It has become fashionable in recent years for those in the media to exhort the citizenry to vote and then berate them for the failure to do so. This is, it seems, blame misplaced.

The scars of the Vietnam War and the Watergate scandal run deep. To many Americans, politics seem to be characterized by poor public leadership, increasingly complex issues, and an ever-growing and inflexible government with few successes in meeting public needs. The public has been called upon to vote in a series of negative elections: *against* Barry Goldwater in 1964, *against* the policies of Lyndon Johnson in 1968, *against* George McGovern in 1972, *against* Jimmy Carter in 1980, and *against* Walter Mondale in 1984.

The people have been forced to choose between two competing parties, one of which is associated with


PERCENTAGE OF VOTING AGE AMERICANS WHO VOTE

Source: Committee for the Study of the American Electorate right-wing populism and big business greed, and the other a cacophony of competing interests whose whole is less than the sum of its parts. And Americans get their information in ninety-second blips from a medium that highlights the visually exciting at the expense of the substantively important.

Sadly, for the average citizen, nonparticipation is becoming an increasingly rational act.

Reversing this trend and instilling both hope and vigor among American voters will not be an easy task. But I think a few steps will help improve participation in America. We need to:

- increase the amount and sophistication of civic education in our homes and schools
- develop policies that address the central concerns of the electorate
- realign and strengthen the two-party system so that its advocacy is relevant to the electorate and its performance in government is improved
- supplement the information we receive from television with deeper and more adequate information from other sources
- regulate political advertising on television so that candidates may respond to negative ads
- instill in our young people a sense of values that emphasizes something larger than the self and something more enduring than today
- develop a standard for leadership that makes the term "not unfit to serve" inadequate for public service

In the end, voting is a religious act. Each citizen must come to believe that—despite the thousands of elections that are not decided by one vote—his or her vote *does* make a difference. It is that faith that needs to be restored.

AMERICA NEEDS A VIABLE THIRD PARTY

Close Up Foundation/Renée Bouchard

Ralph Nader

is the founder of Public Citizen, a consumer advocacy organization. In 1996, he ran for president of the United States as the Green Party candidate.

> *"A lesser evil is still an evil (usually a hack). What this country must seek is a greater good."*
>
> — editorial, *The Nation*
> October 28, 1968

Seven presidential elections after *The Nation* offered this advice, the American electorate is still faced with two major parties that serve up virtually identical political menus every four years. When citizens balk at the limited and unappetizing choices, the political professionals—joined by media pundits—roll out impassioned pleas about the need for a vote that is essentially for the "lesser of two evils."

As long as voters tolerate this political mimicry, the professionals—and the corporate campaign donors who keep the two parties alive out of the same checkbooks—will continue to give us think-alike, do-alike, Tweedledee and Tweedledum choices.

Democracy withers and cynicism grows under a political structure that narrows choices and discourages ideas that do not fit within the comfort zone of the dominant corporate forces that nurture the Democratic and Republican Parties.

Between 40 and 50 percent of eligible voters do not even bother to show up at the polls to select the federal government's chief executive. This despite massive expenditures by the two major parties and endless exhortations from "good government" groups urging citizen participation.

THE "MORPHING" OF THE REPUBLICANS AND DEMOCRATS

For many of the stay-at-home voters, the dwindling differences between the two major parties provide little incentive to participate. Grassroots politics that once generated neighborhood discussion and participation has largely given way to mass media with corporate contributors financing expensive television advertising, which sells candidates in thirty-second pops that stress empty imagery over substance. For voters who do conscientiously study the issue, and try to determine where the candidates differ, the task is getting more difficult, more confusing, and less rewarding.

Take economic policy, for example. The Federal Reserve Board, which controls the nation's monetary policy, is the single most important economic agency in the United States. Appointments to the Board, presumably, would give the American people a clear picture of a president's economic views.

But, the current chairman of the Federal Reserve Board—Alan Greenspan—was appointed by a conservative Republican president, Ronald Reagan, and reappointed by another Republican president, George Bush. Prior to that, he had served as chairman of the Council of Economic Advisers under President Gerald Ford, another Republican occupant of the White House. In private life, Mr. Greenspan often served as an economic adviser to the Republican Party, financial firms, and other corporations.

In 1996, President Bill Clinton, elected in 1992 as a Democrat, was presented with an opportunity to make his own choice for chairman of the Federal Reserve Board—and more importantly, to signal his views on economic policy. Who did he choose? A fresh face with views on economic growth and opportunity closer to the professed positions of his Democratic Party? No, like his Republican predecessors, he chose the same Alan Greenspan who will now control much of the government's economic machinery into the next century. So, for voters interested in where the parties stand on economic policy, scrub the Federal Reserve Board as an agent of change or as an area of difference between Democrats and Republicans.

On welfare and the maintenance of a safety net for children and disabled adults, President Clinton has wiped out his party's differences with the Republicans, signing Republican-sponsored legislation that reverses social policies that have been the mainstay of the Democratic Party for six decades.

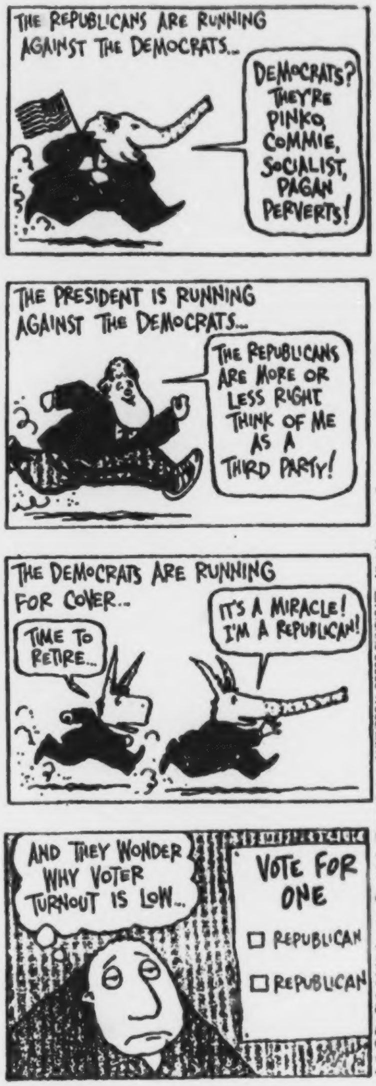
Similarly, lines between the parties have been eliminated—or blurred—on foreign trade, corporate crime, corporate welfare, and corporate abuse of consumers and workers. Regulatory policy is increasingly indistinguishable between those of the Democratic president and his Republican predecessors.

On foreign affairs, military budgets and policy, subsidized arms exports, and serious global health issues, the transition from President Bush to President Clinton has left few traces of differences between the two parties.

If this "morphing" of the two major parties into a single image escapes any voter's attention, it is not lost on the corporate contributors who fill the campaign coffers. Most political action committees (PACs) are careful to make certain that they drop dollars into the outstretched hands of both political parties. They deal equally well with whichever party turns up the winner in any election cycle. It's just another business expense, in their minds.

THE CURE: A THIRD CHOICE

This growing urge of the Democrats and the Republicans to imitate one another on major issues can only be cured by alternative parties that do not live off the corporate dole and are willing to raise the issues that count in people's lives. External competition is necessary to break up the two-party duopoly, either to produce really different political parties or lead to political realignments toward multiparty evolutions.


THE REPUBLICANS ARE RUNNING AGAINST THE DEMOCRATS...
DEMOCRATS? THEY'RE PINKO, COMMIE, SOCIALIST, PAGAN PERVERTS!
THE PRESIDENT IS RUNNING AGAINST THE DEMOCRATS...
THE REPUBLICANS ARE MORE OR LESS RIGHT THINK OF ME AS A THIRD PARTY!
THE DEMOCRATS ARE RUNNING FOR COVER...
TIME TO RETIRE...
IT'S A MIRACLE! I'M A REPUBLICAN!
AND THEY WONDER WHY VOTER TURNOUT IS LOW...
VOTE FOR ONE
☐ REPUBLICAN
☐ REPUBLICAN

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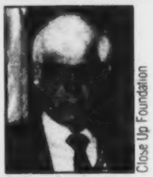
In the fall of 1995, several leading California environmentalists asked if I would agree to their placing my name on the Green Party ballot for president. Reflecting on how well-corporatized government is rapidly shutting

THIRD-PARTY PRESIDENTIAL CANDIDATES

Library of Congress

Theodore Roosevelt



Close Up Foundation

John Anderson

Below are all third-party or independent candidates in the twentieth century who received at least 5 percent of the vote in a presidential election.

CANDIDATE	PARTY	% OF VOTE
Theodore Roosevelt (1912)	Progressive Party	27.4
Eugene Debs (1912)	Socialist Party	6.5
Robert M. LaFollete (1924)	Progressive Party	16.6
George Wallace (1968)	American Independent Party	13.5
John B. Anderson (1980)	National Unity Campaign	6.6
H. Ross Perot (1992)	(independent)	18.7
H. Ross Perot (1996)	Reform Party	8.5

Note: Ralph Nader was on the 1996 ballot in 21 states and the District of Columbia. He received about 1 percent of the national vote.

out civic participation. I agreed, but said I would not accept any campaign contributions or run in a traditional manner.

My goal is to encourage a campaign dependent on self-reliant citizen muscle at the grass roots. This is a test, certainly for the people in the Green Party and other progressives, of whether they are going to step up their mobilization. As a result, in some states, the Greens are already forming parties and taking a long-range view of their initiatives.

In the near term, there is a need for a modest-sized party that is rooted in progressive communities, agendas, and energies, and that (1) focuses on new and stronger tools of democracy for voters, workers, consumers, and taxpayers; (2) breaks through the "DemRep" taboos against debating the supremacy of global corporations over our political, economic, educational, media, and cultural institutions; and (3) brings into progressive politics a young generation of Americans. There is no patent on these agendas. They are available to all candidates for their campaigns.

Politics has been corrupted not just by money. It is also being trivialized out of addressing the great, enduring issues of who controls, who decides, who owns, who pays, and who has a voice and access, and why solutions available on the shelf are not applied to the existing and looming crises of our society.

One thing politicians do understand is rejection. When voters are deciding how they wish to use their vote, they should ask themselves how best to send a clear message. The Greens and other progressives are in the early building stages of a people-first, democratic political movement for future years. They deserve our attention because they are centering on the basic issues of representative government, one of whose purposes is to strengthen the tools of democracy, and the other, in the words of Thomas Jefferson, is to "curb the excesses of the monied interests."

Courtesy of Alice Yang

Alice H. Yang

is the president of the Greater Washington, D.C. Chapter of the Organization of Chinese Americans.

FACES AND ACTIVISM OF THE ASIAN PACIFIC–AMERICAN COMMUNITY

The United States is a nation of immigrants. The image of the American people is like a salad bowl or a tapestry. Each ingredient or yarn has its own distinctive texture and color. Together, they make a nutritious meal or a beautiful piece of art.

The Asian Pacific–American (APA) community is itself a very diverse collection. It includes persons who indicate their ethnicity as Cambodian, Chinese, Filipino, Hawaiian, Asian Indian, Indonesian, Japanese, Laotian, Korean, Malaysian, Pakistani, Samoan, Thai, Vietnamese, and other Pacific islanders. These groups have different cultures, languages and religions. To perceive all APAs as the same is ignorant; to treat all APAs as foreigners is offensive.

Due to restrictive measures such as the 1790 Naturalization Act that prohibited Asians from becoming U.S. citizens, and the 1882 Chinese Exclusion Act, which disallowed Chinese immigration, the number of immigrants from the Asian and Pacific region did not reach a significant number until 1965. For the past twenty-some years, about 40 percent of the immigrants to the United States have been from the Asian and Pacific region. About 4 percent of the U.S. population are Asian Pacific Americans.

THE EFFECT OF STEREOTYPES

Like other minority groups, APAs are often misunderstood. When the word "Asians" is mentioned, what kind of image comes to mind? Some positive stereotypes include: Asians are family-oriented, place high priority on education and excel in school, save a lot, do well in technical positions, are nonaggressive. Less flattering stereotypes are that Asians are inarticulate, uncreative, unathletic, and lack good management qualities. Whether they are positive or negative stereotypes, they are generalizations and usually inaccurate.

For those who do not often interact with Asian Pacific Americans, their perceptions of APAs are formed principally in three ways. One is through the images portrayed in the media. As we all know, the media is a powerful instrument in shaping opinions. When APAs are cast only in movies and television as foreigners, gangsters, or criminals, the effects are harmful and dangerous.

Another perception is developed by the state of the economy. Although the first APAs arrived in the United States more than 100 years ago—some are now proud third- or fourth-generation Americans—a significant segment of the APA community is made up of first-generation immigrants. When the economy is weak, these immigrants are made scapegoats. Many people falsely accuse newcomers to the country of taking jobs away from native-born Americans.

Finally, Asian stereotypes have evolved according to changing political relationships between the United States and other Asian Pacific countries, particularly Japan and China. When relationships are friendly, the Asian stereotype is generally positive; when relationships are strained, the stereotype is negative.

Dispelling stereotypes is not an easy task. Many APA organizations have worked hard and cooperated with one another to promote multiracial understandings, to identify common socioeconomic opportunities, and to encourage dialogues among the various racial and ethnic groups in the United States.

PARTICIPATION IN PUBLIC AFFAIRS

Asian Pacific Americans have also realized the importance of asserting themselves in the political process. While APAs have historically developed an impressive profile in the business, scientific, and academic arenas, their representation in government has been negligible until recently. History has repeatedly proved that economic clout does not necessarily prevent political inequities. As more APAs have secured life's basic necessities, it is time to participate in public and community affairs.

AP/Wide World Photos

In 1996, Gary Locke was elected the governor of Washington to become the first Asian-American governor of a mainland state.

In the past two decades, APAs have shown increased interest in mainstream American politics with unprecedented enthusiasm. Several factors have contributed to this motivation in the American electoral process. Violence and hostility against APAs and the recent legislative debates over affirmative action, immigration laws, English as the official language, and the welfare reform bill best illustrate the urgency of involvement. Asian Pacific Americans have a tremendous amount at stake in these and other public policy debates.

One of the most active groups is the Organization of Chinese Americans. OCA is headquartered in Washington, D.C., and has forty-one chapters throughout the country. This national, nonprofit, nonpartisan, civil rights organization has sought consensus among the diverse APA community. Its goal is to educate the APA community and the community at large on issues confronting Asian Pacific Americans.

At the national level, OCA is working with organizations such as the Congressional Asian Pacific American Caucus Institute and the Japanese American Citizens League to monitor and to oppose anti-immigrant and anti-Asian American legislation. Along with the National Asian Pacific American Legal Consortium and National Asian Pacific American Bar Association, OCA seeks to protect APAs from hate crimes and advocate APAs' rights in the United States. Since naturalization and voting rates reflect the degree of assimilation and how much APAs feel ownership of this country, OCA and eighteen other national APA groups organized the first National Asian Pacific American Voter Registration Campaign in 1996.

Of course, volunteerism is also part of activism. More and more Asian Pacific Americans contribute money and energy toward the betterment of our society. APAs young and old, professionals and students, organize or volunteer at community service activities such as giving food to shelters and raising money for charities.

In the private sector, APA business executives also serve as role models and provide networking opportunities for high school and college students. In the era of a global economy, it is important to identify talents and cultivate leaders who have diverse cultural backgrounds and understandings to ensure the competitiveness of the American workforce.

A DIVERSE COMMUNITY

The demographic face of APAs has changed from miners, railroad laborers, farm and factory workers to scientists, business owners, and professionals. As we celebrate the Asian Pacific–American Heritage Month in May each year, all should appreciate the diversity of the APA community and utilize its talents and resources. For every image of sweatshop employees, there is designer Vera Wang. For every image of gardeners and carpenters, there is the famous architect I. M. Pei. For every image of computer programmers, there is the world's most sought-after cellist, Yo-Yo Ma. For every image of martial arts masters, there is ice skater Kristi Yamaguchi and tennis player Michael Chang. For every image of uneducated refugees, there is University of California at Berkeley Chancellor Dr. Tien Chang-Lin. For every image of welfare recipients, there is Elaine Chao, the former Peace Corps director and president of the United Way. And for every image of restaurant owners, there is Governor Gary Locke of Washington.

In conclusion, as the population of Asian Pacific Americans increases, so does the importance of working with the community at large. Whether we are naturalized or born Americans, it is our desire to share and celebrate our Asian cultures with fellow Americans, to contribute to the economic and social well-being of the United States, and to be recognized for our contributions. To reach these goals, we have to actively participate in American society at the national as well as local levels and in the public as well as private sectors. We also ask all racial and ethnic groups to get to know, and work with, Asian Pacific Americans. With this cooperation, all Asian Pacific Americans in the United States can and will become an equal and integral part of this diverse community.

Third Millennium

Richard Thau

is executive director of Third Millennium, a national, nonprofit, nonpartisan advocacy and educational organization of young adults offering solutions to long-term problems facing the United States.

WHY YOUR PARTICIPATION IS CRITICAL

We face a grave problem. In our country, studies show most young adults are active in some type of volunteer activity—yet less than 20 percent of them voted in the 1994 election. Compare this to the voting statistics and political activity levels of senior citizens—60 percent of whom voted in that same election—and a very discouraging picture emerges.

Senior citizens set the agenda and young people get to pay for it.

"Although older Americans are more cynical and less trustful of government . . . than the young, this attitude does not seem to translate into nonparticipation," writes Professor Susan MacManus of the University of South Florida-Tampa, in her new book *Young v. Old*. "Overriding their cynicism is a strong belief that registering and voting are civic duties that ought to be taken seriously. . . . Younger cohorts do not believe that voting is as essential or effective as their older counterparts do."

Young Americans must somehow adopt their grandparents' attitude of civic duty, and extend to the political arena the obligation and concern that they demonstrate in their volunteer activity. If they don't, they will imperil the democracy's future by ceding control of the government to the seniors, the group that exacts the greatest financial toll on the country through massive—and growing—government programs such as Social Security and Medicare.

WHY PARTICIPATE?

Aside from the vital contribution that young people can make to the strength of our democracy, there are other, perhaps more cynical reasons for young people to get involved. Politicians pander to the forces that put them into office, to those who beat down their door and say, "Here we are, and this is what we want."

Again I refer to MacManus when she reports that, "The young (under 35) contact public officials less than any other age group. Contacting levels of those 45 and older vary little . . . It is now commonplace for the evening news to report how many thousands of phone calls, letters, and faxes the White House and Congress members received on impending legislation as a crucial vote nears."

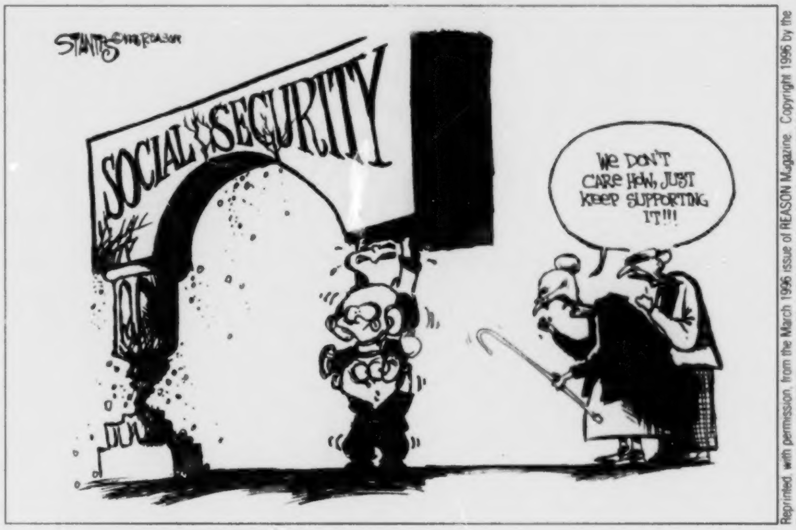
So, simply put, if young people are not an active part of the political process, no one pays attention to them. When they don't get involved, their needs go unnoticed. Especially when young people don't vote, politicians interpret it as an explicit statement that they, as legislators, can change laws and influence policy at the expense of those who aren't participating.

Another reason to get involved is that there are various groups whose interests often clash with those of young people's. When one out of nine Americans belong to a group that looks out for its self-interest (such as seniors in the American Association for Retired Persons), one can argue that that self-interest is being exerted at the expense of other people—in this case, young people. There is need to counter this huge influence. Young people can in fact learn from these groups, by taking an active part in government, and begin to assert their own influence on decisions that are being made about issues that affect them.

Imagine for a moment if young people voted at the same rate as senior citizens. The debates we would be having about education reform, student loans, entitlement programs, and the environment would be vastly different from the ones we're having now.

COUNTERING THE INFLUENCE

Business groups are another group whose interests take great precedence in Washington. There are many young people who believe that business interests have too much power in the political sphere. Again, if young people were to participate more aggressively in the democratic process, they could have a much better chance of countering this influence.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WE DON'T CARE HOW, JUST KEEP SUPPORTING IT!!!

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For example, if a young person votes, and they are part of a bloc that votes, they are able to say to their representative in Congress, "We don't care that a certain business lobby came and spoke to you about this issue, if you vote for (fill in the blank) legislation, we will vote against you in the next election—and we do vote, and our threat counts." The needs and concerns of young people, because they are the future of the country, are those that Congress should address prominently. Unfortunately, this will not happen as long as young people remain uninvolved in the political process.

HOW CAN YOU GET INVOLVED?

Voting is one crucial step to getting involved in government, and one of the most effective—yet it is not enough. Young people can bolster the democratic process by becoming politically engaged, strengthening their political awareness, and enhancing their effectiveness in these ways:

- **Registering to Vote:** The first step. In their book, *Why Americans Don't Vote,* Frances Fox Piven and Richard A. Cloward tell us, "People vote if they are registered. Nonvoting is almost entirely concentrated among those who are not registered."
- **Voting:** The simplest and one of the most effective means of becoming politically active. As well as voting themselves, young people can try to increase the effectiveness of their vote by encouraging their peers to register and vote with them.
- **Attending Debates:** When they attend debates, and especially when they ask questions, young

people are putting specific issues on the agenda for after the election.

- **Participating Locally:** Young Americans should participate in political activities on the local level, by attending town hall meetings and getting elected to school boards, for instance. They should attend regular meetings and bring their issues and concerns to the attention of local politicians.
- **Lobbying:** The simple act of being informed about an issue and making a phone call or visit, or writing a letter to a senator or representative to discuss it, is an effective way of influencing the political system. Members of Congress are in a position that requires that they be finely attuned to the demands of their supporters; they look directly to their constituents for direction in policymaking decisions. If young people are not active and don't make these contacts, politicians are not aware of their needs and therefore are not compelled to act on their behalf.
- **Organizing:** One of the best ways for young people to become involved in the democratic process is to choose a specific issue that interests them, that they care strongly about, and champion it. This can be done in many ways, the best of which is to join an activist group (like Third Millennium, for instance) where they can organize, take action, and be in contact with others who share their views and concerns.

In her discussion of activism in *Young v. Old*, MacManus says that, "Although . . . individual and group activism may not always invoke the high levels of publicity that voting and election campaigns command, they are viewed by many to be the real backbone of participatory democracy—the key to keeping government accountable to the citizenry."

"AMERICA CAN CHANGE COURSE"

America is at a fiscal crossroads—if we act, we can help ensure continued growth and prosperity, but if we fail to act, we threaten the financial future of our children and our nation. . . .

American's population is growing older because of longer life expectancies and the aging of the baby boom generation. Today, there are almost five working-age persons for each person over 65. In 2030, when today's workers have retired and today's children are in their prime working years, the Social Security Trustees project that there will be fewer than three working-age persons for each person over 65. . . . The aging of the population will drive combined Medicare, Medicaid, and Social Security spending from about 8 percent of the economy today to about 14 percent in 2030. . . . Once the baby boom generation begins to retire in 2010, the cash flow surplus from Social Security will rapidly decline. By 2013, Social Security benefit payments will exceed the tax revenues dedicated to the program. . . .

Entitlement spending and interest on the national debt together consume more than 60 percent of federal outlays today, double the percentage of just twenty-five years ago. The Congressional Budget Office projects that entitlement spending and interest payments together will exceed 70 percent of total federal outlays by 2003. By 2003, unless policy changes are made, less than 15 cents of every dollar the federal government spends will be available for non-defense discretionary programs that can raise productivity and contribute to economic growth. . . .

In 2012, unless appropriate policy changes are made in the interim, projected spending for Medicare, Medicaid, and Social Security and federal government employee retirement programs will consume all tax revenues collected by the federal government. If all other federal programs (except interest on the national debt) grow no faster than the economy, total federal outlays would exceed 37 percent of the economy. Today, outlays are 22 percent of the economy and revenues are 19 percent. . . .

America can change course. If the government acts soon, it can ensure that future generations are not unfairly burdened with today's debt and spending commitments. It can ensure public and private investments that are needed for America's future prosperity.

Excerpted from Report to the President, The Bipartisan Commission on Entitlement and Tax Reform, August 1994

BOTTOM LINE—IT'S IN YOUR SELF-INTEREST

It comes down to this: If young people suddenly become a large and active part of the political process, undoubtedly concern about the issues that matter to them will grow exponentially. I'm trying to convince young people to vote and become active because it is in their self-interest to do so. As long as they remain disorganized, uninvolved, and absent from the voting booths, young people will continue to get the short end of the political stick.

The necessary response to the present system is not apathy—it is participation. Young people should get involved because they love themselves and because they care about their future. They should vote because by not doing so, they are hurting themselves. It is possible for young people to have an effect on the political process—but only if they start taking action on their own behalf.

CASE STUDY

The People

AIDS ACTIVISTS: FIGHTING AN EPIDEMIC

by Tiffany Farrell Larbalestier

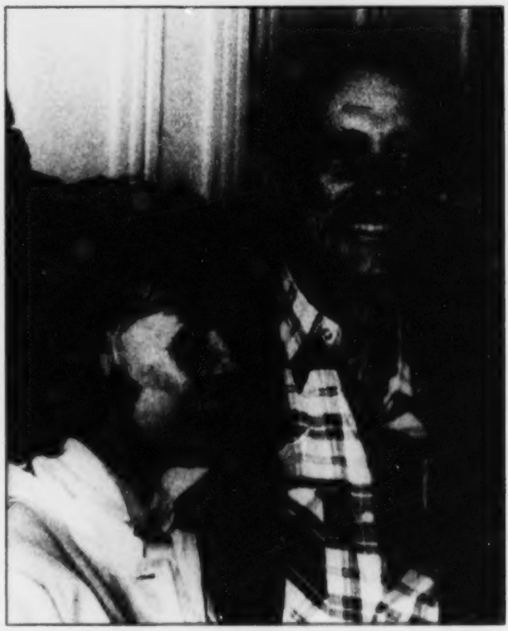
When a mysterious new disease appeared in 1981, the American medical community was unprepared. At that time, medical science had eradicated nearly all major illnesses except for cancer. The scourges of only a few generations before—polio, cholera, measles, and mumps, for example—had been largely conquered. Many Americans believed that in their advanced, hygienic society, they were immune to epidemics. Nevertheless, by the mid-1980s, writers and scientists would point to the exploding numbers of patients and liken the mysterious disease, called acquired immune deficiency syndrome (AIDS), to a Third World plague.

As in plagues of centuries past, people who became ill with the disease were stigmatized. That the first AIDS patients were homosexuals also fueled many of the prejudices associated with "Gay Cancer," as it was commonly called. Some believed that the symptoms of AIDS were "signs from God" that showed disapproval of gay lifestyles. Even when the disease quickly spread to other groups such as hemophiliacs (people whose blood does not clot naturally) and intravenous drug users, popular prejudices and discrimination remained. Most everyone feared catching the disease, and, at the outset, scientists were unsure exactly how AIDS was transmitted.

Close Up Foundation/Renee Bouchard

Thanks to the work of thousands of scientists, activists, and people with AIDS, Americans now know much more about the disease, including how it is spread. Armed with this information, government agencies, private AIDS organizations, and concerned citizens work to educate the public to avoid behavior that risks infection—in spite of heated debates surrounding the dissemination of information that directly addresses taboo subjects such as sex, drugs, and homosexuality.

To people whose lives have not been touched by the illness, the AIDS epidemic can seem like a remote problem. However, for more than 500,000 Americans, their families, and friends, AIDS has created agonizing medical and social problems. Many individuals with the illness have become heroes because they overcame their personal tragedy. In some cases they generated the kind of grassroots action and policy changes possible in the American governmental system. In doing so, they have helped improve the lives of people with AIDS, and they have promoted understanding among those whose lives have not been affected by the syndrome.



In October 1985, movie star Rock Hudson (shown here with Doris Day) died of complications resulting from AIDS. His death generated increased public interest in the disease. Celebrities who would later contract HIV include tennis legend Arthur Ashe and basketball player Earvin "Magic" Johnson. However, unlike Rock Hudson, Magic Johnson, who announced he was HIV positive in 1991, has new drug treatments on his side. He continued to play professional basketball until 1996.

AP/Wide World Photos

AIDS: THE EPIDEMIC OF OUR TIME

The virus that causes AIDS is called the human immunodeficiency virus (HIV). HIV attacks a person's immune system, the body's natural defense against germs that cause sickness and disease. When someone's immune system is suppressed, he or she can catch many illnesses that a healthy person does not. Doctors saw rare kinds of pneumonia and cancer in the first AIDS patients in Los Angeles, New York, and San Francisco in the early 1980s. Although medical experts could not explain the cases at the time, they suspected that the patients' natural ability to fight off those diseases was weakened.

AIDS-related illnesses can be varied and debilitating. People with AIDS often come down with extreme cases of otherwise unusual sicknesses, and their immune system is not strong enough to fight off the "bugs" after they are infected. Even though someone with AIDS may recover from an AIDS-related disease, they remain at risk of reinfection—and possible death—either by that disease or another. Therefore, AIDS is not just one form of illness. AIDS is characterized by numerous diseases that are symptoms of the underlying immune system malfunctions. Such illnesses, sometimes called opportunistic infections, include pneumonia, cancer, tuberculosis, and brain diseases.

Acquired immune deficiency syndrome has frustrated scientists and doctors. In the past, researchers were able to fight diseases by bolstering the body's immune system, usually through injections of small doses of the virus or bacteria (immunizations). Once exposed to the bug, the immune system was prepared to defend against further exposures, and people would not get sick. AIDS challenged the traditional method of fighting disease because the very tool that researchers usually worked with—the immune system—is faulty in a person with AIDS.

People can live many years after they are diagnosed HIV positive before they experience the sicknesses associated with "full-blown" AIDS. Testing positive for HIV does not necessarily mean that a patient will inevitably contract AIDS, though most people do. Because AIDS remains a disease without a cure, patients with full-blown AIDS will probably die of an AIDS-related illness.

The Spread of AIDS. In June 1981, the Centers for Disease Control (CDC), an arm of the federal government, reported the first five cases of a rare pneumonia—called pneumocystis carinii pneumonia—in young, previously healthy men in Los Angeles. One week later, CDC officials learned of similar cases in San Francisco. The scientific and medical communities were unsure whether those were isolated incidents or whether the country faced a new communicable disease. Within the following month, another twenty-six people (twenty in New

York and six in California) came down with a rare form of cancer called Kaposi's sarcoma. Many of those patients shared symptoms of pneumocystis pneumonia and other uncommon illnesses as well. By the end of August 1981, the Centers for Disease Control had reported seventy more cases of pneumocystis pneumonia and Kaposi's sarcoma. Forty percent of the patients—a very high proportion—had died.

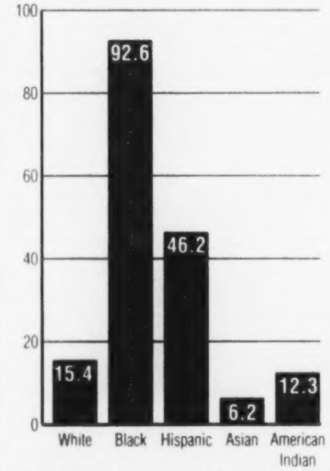
The "Gay Plague." The syndrome now referred to as AIDS was not named acquired immune deficiency syndrome until 1982. Throughout 1981, about 90 percent of people with AIDS, then known as Gay-Related Immune Deficiency (GRID), were homosexual. Among many of the earliest AIDS cases, doctors reported that the patients had had many sexual partners. Because the overwhelming majority of people with AIDS were gay, and because one aspect among many different gay lifestyles was highly publicized (promiscuity), a strong social stigma became attached to the syndrome. Many Americans assumed that people with AIDS were promiscuous homosexuals. Research had not yet revealed the specifics of the disease—whether it was communicable; if so, how it was transmitted; or the specific agent or agents that caused the immune breakdown.

AIDS Becomes "Mainstream." However, by mid-1982, it had become clear that the "Gay Plague" was affecting ever-larger segments of the population, such as intravenous (IV) drug users, women (usually sexual partners of IV drug users or bisexual men), and recent immigrants from Haiti. Scientists began to suspect that people who received blood transfusions could also contract AIDS from those transfusions. Doctors later discovered that mothers with AIDS could pass on the syndrome to their newborns. Thus, the medical community began to realize that AIDS was a disease that "anyone" could get. Nevertheless, most Americans still thought of it as a "gay disease."

How HIV is Spread. As scientists called epidemiologists studied the patterns of AIDS cases, they began to learn important facts. Perhaps most significant were the routes of transmission. It became apparent that AIDS was transmitted by allowing an infected person's blood or bodily fluids into another person's bloodstream—primarily through intimate sexual acts, infected IV needles, tainted blood and blood products, and—they later discovered—through pregnancy and breast-feeding. Researchers found that the AIDS virus could *not* be passed from one person to another through casual contact. That is, people cannot contract HIV by drinking from an infected person's glass, by breathing the same air as an infected person, or by kissing or hugging a person with HIV or AIDS. Scientists were able to confirm this because people who merely shared houses with people with HIV and AIDS—their families and friends—did not catch the syndrome.

AIDS CASES BY RACE

AIDS cases reported in 1995 by race/ethnicity. Rates shown per 100,000 people.



Source: National Center for HIV, STD, and TB Prevention; Centers for Disease Control and Prevention

Trends in HIV/AIDS Infection. Throughout the 1980s, the number of people with HIV and AIDS continued to skyrocket. By 1988, the number of people in the United States who had died from AIDS approached 50,000. In 1990, the death toll reached 100,000. The total number of AIDS cases in the United States by the end of 1995 was 513,846, of whom 319,849 had died.

As of the mid-1990s the epidemic was slowing. Many researchers argue, however, that given the large numbers, the slowing of the disease is little comfort. In addition, AIDS has begun to shift populations. In the mid-1990s, new cases of the disease increased among minorities, heterosexuals, drug users, women, and children, while they decreased among Caucasian homosexual men.

In 1993, AIDS became the number one killer of Americans between the

AP/Wide World Photos

In March 1987, a group of largely white, gay men formed ACT UP, the AIDS Coalition to Unleash Power. In its literature, ACT UP said, "We believe the government failed to act swiftly and effectively against AIDS because it was seen as a disease of expendable minorities: gay men, IV drug users, and people of color." However, critics argue that ACT UP's radical tactics are inappropriate and do not further their cause.

ages of 25 and 44. Because of the lag time from HIV infection to the onset of AIDS, researchers concluded that many people were becoming infected with HIV in their teens and early twenties. According to the Centers for Disease Control, people between the ages of 13 and 24, particularly minorities, have the highest rate of new HIV infections. Thus, many Americans consider efforts to educate young people about HIV prevention very important.

Advances in HIV/AIDS Treatments. Drug therapies have greatly extended the life expectancy of people with HIV. Whereas the earliest AIDS patients lived a matter of months after their diagnosis, today a person lives an average of ten years after HIV infection before contracting AIDS and about two years thereafter. People with HIV now live longer partly because in 1987 the Food and Drug Administration (FDA) approved the drug AZT. In late 1995 and early 1996, the FDA approved three new drugs for treatment of HIV and AIDS, which researchers hope will make the disease more manageable. However, drug companies have long been criticized for the high costs of AIDS medication, and doctors warn that the new treatments cost five times as much as the old ones. Nevertheless, many doctors hope that with the help of these new drugs AIDS may soon become a long-term, manageable illness. Moreover, researchers announced in 1996 that the success of trials using new drug combinations provided a realistic hope for an AIDS cure.

DISCRIMINATION AND AIDS EDUCATION

From the very outset, AIDS has been much more than a health crisis. The groups earliest at risk and the intimate nature of the disease's transmission made researchers embarrassed and health care workers uneasy. Some hospitals and staff refused to treat people with AIDS. Many researchers were stunned to learn details of some homosexual lifestyles, and they were shy about reporting them frankly. But these problems were only the beginning.

Many Americans feared they or their loved ones would catch the disease, so they shunned people with AIDS and HIV. In some cases, people still closely associated the disease with the homosexual community and piled even more hatred on existing prejudices. Consequently, AIDS patients suffered discrimination in many forms. Some people with AIDS lost their jobs, health insurance, Social Security benefits, and friends. The loss of health benefits was particularly tragic because the costs of AIDS treatments can easily bankrupt a middle-class American. Those people then became dependent on federal programs such as Medicare to pay their medical bills. Fears of discrimination raised privacy issues surrounding AIDS testing and reporting those results to state and federal agencies.

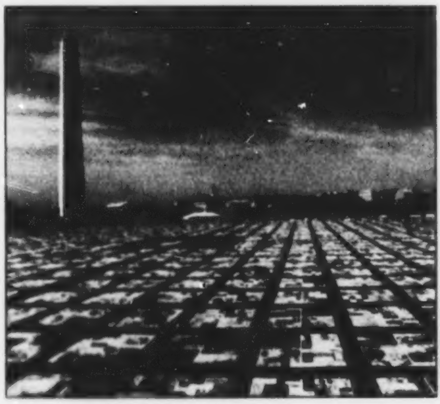
As the number of Americans suffering AIDS escalated every year, the costs to society also escalated. Not only were the lion's share of health care costs borne by the federal government (through Medicare), but the nation also suffered the loss of worker productivity. The syndrome could not be ignored. If AIDS could not be cured, it had to be prevented. Many Americans considered education to be the key to prevention. But educating people about the spread of AIDS was a daunting challenge precisely because AIDS prevention required open communication about taboo topics, including illegal drug use and sex.

Government AIDS Education Efforts. Although the federal government was the source for most data on the AIDS epidemic, lawmakers were hamstrung when it came to articulating the prevention message. While some Americans wanted a frank discussion of how to avoid HIV infection, many others pressured policymakers in another direction.

Public health officials in New York City and other major cities found that needle exchange programs helped to reduce the incidence of HIV in intravenous drug users. Needle exchange programs allow intravenous drug users to get clean needles and education about HIV without fear of arrest. Social workers in those areas also noted that such programs enabled them to refer drug addicts to treatment programs. However, critics opposed needle exchange programs because they feared it would encourage illegal drug use. They also argued that such programs did not stop intravenous drug use, and that many of those drug users would remain at risk of HIV infection.

When it came to communicating the details of the sexual transmission of HIV, policymakers were also stymied. As late as 1994, the Department of Health and Human Services released public service announcements aimed at young people that promoted "safe sex." However, the announcements were pulled from print and television after critics argued that a "safe sex" message promoted sexual activity. They said such advertisements were misleading because only sexual abstinence was 100 percent effective in HIV prevention. Because of these conflicts, many government efforts at AIDS education were unsuccessful.

THE NAMES PROJECT



Mark Theissen

One of the most moving images of the toll of AIDS on the United States is the display of the AIDS Memorial Quilt in Washington, D.C., shown here in 1992. Each panel represents one person who has died of AIDS-related illnesses. For friends and loved ones, sewing a panel for the Quilt provides a creative means for remembrance. For viewers of the entire Quilt display, the experience is powerful. It illustrates the enormity of the epidemic and at the same time increases public awareness. The full Quilt has been displayed in Washington five times: in 1987, 1988, 1989, 1992, and 1996, each time growing in size. In October 1996, the AIDS Memorial Quilt was made up of about 40,000 panels, and the display (with walkways) covered 24 acres on the Mall. Volunteers reminded viewers that while the sea of panels seemed overwhelming, it represented only 11 percent of AIDS fatalities.

The Quilt—first conceived by San Francisco gay rights activist Cleve Jones in 1985—is also shown in sections across the United States and overseas. Activities surrounding the AIDS Memorial Quilt display educate viewers about HIV prevention and raise money for community-based AIDS service organizations. Responding to the rapid spread of HIV among young people, the NAMES Project has developed the National High School Quilt Program, which sends Quilt sections to schools so that teenagers and their teachers can address the AIDS epidemic and HIV prevention. Displays in 1996 also included a campaign to register voters and make AIDS a top legislative priority. Since its founding in 1987, the NAMES Project has grown to include forty-one chapters across the nation and thirty-six affiliates around the world.

AP/Wide World Photos

In April 1986, Ryan White won his long battle to attend school in his hometown of Kokomo, Indiana. Shown here is Ryan, surrounded by reporters, celebrating outside the courthouse the day a judge dissolved the injunction barring him from school.

The Formation of Community Organizations. In effect, the first organizations to undertake AIDS education seriously were community support groups comprised of volunteers. The first of these was the Gay Men's Health Crisis in New York City. It pioneered educational outreach programs for people with AIDS that included a hot line, crisis counseling, group psychotherapy, recreation programs, and financial counseling. Soon similar programs appeared in other cities needing AIDS support, including the San Francisco AIDS Foundation. With the proliferation of people with AIDS, AIDS-related social problems, and concerned volunteers, the age of widespread AIDS activism was born. Because of the broad range of complex issues AIDS patients faced, many concerned citizens rallied to inform the broader community about the disease and its social challenges. Two such young people were Ryan White and Pedro Zamora. Ryan White's personal trials in a small town that was prejudiced against people with AIDS captured the attention of the country. On the other hand, Pedro Zamora was an outspoken activist who advocated some controversial AIDS education tactics. Thanks to the work of these and other activists, Americans tend to view people with AIDS more compassionately—less "disease carriers" than people like themselves working to make something of their lives.

THE TRIALS OF A TEEN HEMOPHILIAC

When Ryan White was born in Kokomo, Indiana, in December 1971, he was diagnosed with hemophilia, a blood clotting disorder. As children, hemophiliacs are sometimes restricted in their play because, in theory, they could bleed to death from a mere scrape or bruise. Until he was 5 years old, Ryan spent a lot of time in the hospital recovering from accidents. But then doctors approved of letting patients treat their "bleeds" at home. Hemophiliacs like Ryan were prescribed Factor VIII, which is a compound made from the blood of several donors. When injected, Factor VIII helps blood to clot so that injuries can heal. Ryan's mother, Jeanne, gave him injections at home, and he went to the hospital less frequently. Although Factor VIII helped many hemophiliacs lead relatively normal lives, scientists later found that it became life-threatening in the AIDS era.

The AIDS Diagnosis. In December 1984, the month he turned 13, Ryan went into the hospital for pneumonia. He was diagnosed with full-blown AIDS. Ryan had contracted the syndrome from HIV-contaminated Factor VIII. Within a year of Ryan's illness, reports circulated that 70 percent of all hemophiliacs in the United States had contracted AIDS through Factor VIII.

While Ryan was in the hospital, however, he made some startling conclusions for someone so young. Ryan's family was religious, and his faith gave him strength: He was not afraid of dying. In his autobiography, Ryan gives us another reason for his unwavering affirmation of life.

> *There was another reason I wasn't afraid: I* was *getting better. Hemophilia had taught me I was always going to have to go for it—to concentrate on all the things I wanted to do. Mom had taught me to look for the happy parts of life, and to look away from the bad parts. . . . I didn't want to* have *AIDS. I wanted to* fight *it. I wasn't going to be an AIDS* victim*. . . . I somehow figured out that if you believe*

> *you're going to get better you will. . . . I had plans, and I wasn't about to drop them. I wanted to go to high school with all my friends. I wanted to graduate and go to Indiana University.*

Ryan's positive outlook and his fighting spirit made him a champion of AIDS education. However, his faith was challenged by the ignorance and fears of others in his small town.

The AIDS Stigma. Ryan returned home from the hospital in February 1985, and word soon spread around Kokomo that he had AIDS. Misperceptions abounded. People in his church would not use the bathroom after him. Kids began telling mean jokes about him, and some of his friends were no longer allowed to hang out with him. Ryan stayed at home the rest of that school year. However, as he began to feel better, he asked his mother if he could return to school. Ryan's doctor had confirmed that in normal classroom activities, it would be virtually impossible for him to infect his classmates.

In July 1985, Ryan's mother learned that his old school would not let him back. The administrators were afraid he would infect other students. Knowing that their assumptions were wrong, Ryan wanted to fight to attend school. Within a couple of days, Ryan was in the national news as the first teen with AIDS to protest publicly about being barred from school. His court cases were covered in detail by the media, and life became hectic for the White family. Later that year Ryan traveled to New York to appear on national news programs and to Rome to appear on Italian television. Reporters became part of the family's daily life.

The Battle to Attend School Intensifies. Ryan received hundreds of letters of encouragement a day from people around the world who had heard his story in the news. Ryan said, "I just can't believe the way complete strangers . . . treat me so nicely. People in Kokomo, people I've known all my life, treat me like dirt."

In February 1986, the state threw out the school's appeal and said that Ryan could return to school. But that victory was short-lived. On his first day back at school, some parents of other students sued the White family. In court, the parents won and Ryan was restrained from going to school.

For their persistence, the White family was ostracized. On Easter Sunday 1986, no one at church would shake Ryan's hand during the "peace" ritual, and no one from the congregation would help the White family

Indiana State Board of Health

In 1988, Ryan told Congress, "It [the prejudice] was difficult, at times, to handle; but I tried to ignore the injustice. . . . We had great faith that, with patience, understanding, and education, my family and I could be helpful in changing their minds and attitudes around." Posing for this dramatic poster in late 1989 was one of many ways that Ryan White helped educate the public.

when their car broke down just outside the church driveway. The following Sunday, while they were attending church, someone shot a bullet through the front window of their house.

On April 10, 1986, the state dissolved the restraining order barring Ryan from school. Although Ryan was able to return to classes, he had few friends, and many people would not get close to him. Ryan said, "The way it turned out, being back at school was almost as lonely as being home." In late 1986, the White family finally resolved to move from Kokomo.

A New Start. In early 1987, about the same time that the Whites needed money to move, several movie producers approached them about doing television programs about Ryan and his experiences in Kokomo. They chose a company to make a film, *The Ryan White Story*, and that money allowed the Whites to move to another small town, Cicero, Indiana.

There his new school welcomed him with open arms. The school board developed an AIDS education program to prepare teachers and students for Ryan's attendance. They then took the education program to the larger community: parents, churches, and other groups. The school board held public meetings with AIDS experts who could answer anyone's questions. Ryan immediately made many new friends.

Through his newfound fame, Ryan became friends with celebrities such as Elton John, Greg Louganis, and Michael Jackson, who were supportive of children with AIDS. In the fall of 1987, the nonprofit group Athletes and Entertainers for Kids launched a new program called the Ryan White National Educational Program. It sent teams of celebrities and AIDS experts into schools to talk to kids, so, in Ryan's words, "there would be no more Ryan White stories."

The Lecture Circuit. In March 1988, when he was 16, Ryan and his mother were invited to speak at the President's Commission on AIDS in Washington, D.C. There they testified about the prejudices against people with AIDS and the hardships they had endured. Ryan and another student also testified about the AIDS education program at their school in Cicero. Ryan's statement concluded, "I'm a normal happy teenager again. I am just one of the kids, and all because the students at Hamilton Heights High School listened to the facts, educated their parents and themselves, and believed in me. . . . My school is proof that AIDS education in schools works."

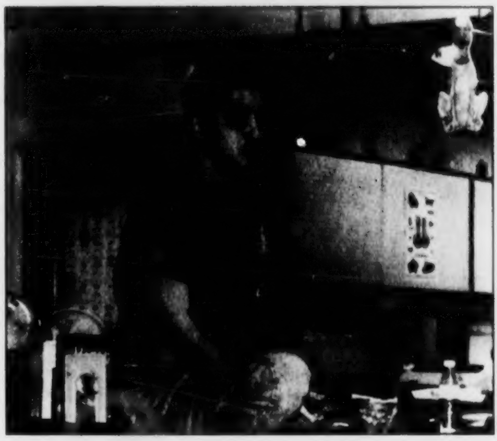
Ryan White was uncomfortable about being famous because of his illness, but he answered the call to educate others. After speaking in Washington, Ryan received hundreds of invitations to speak about AIDS. Because he was still a student, he could only accept some of the offers. He spoke to students at Boys Town in Nebraska and the 1988 convention of the National Education Association. In late 1989, Ryan posed for a poster about AIDS education for the Indiana State Board of Health. For the same organization he also made public service announcements for television and radio.

The Trial Ends. On April 8, 1990, after living with AIDS for more than five years and opening the eyes of countless Americans, Ryan White died. His extraordinary strength and courage were well recognized both during his lifetime and after. His mother accepted awards on his behalf from the National Association for the Advancement of Colored People (NAACP) and the American Civil Liberties Union (ACLU). Because of her special knowledge and experiences, she continues to counsel young people with AIDS and their families.

Ryan's mother also helped Senators Edward Kennedy (D-Mass.) and Orrin Hatch (R-Utah) to develop the Ryan White Comprehensive AIDS Resource Emergency Care (CARE) Act of 1990. Jeanne White testified to members of Congress about the difficulties in getting Ryan medical help from overcrowded clinics and the financial strains of AIDS-related health care costs. In May 1996, Congress extended the Ryan White CARE Act for five years. In fiscal year 1996, the law provided $738 million to local communities to help defray the costs of AIDS-related health care and services.

PEDRO ZAMORA: A GAY IMMIGRANT SPEAKS OUT

One of the most outspoken advocates of AIDS prevention education was a young student named Pedro Zamora. Born in Cuba in 1972, Pedro fled to the United States with his parents and some of his siblings during the 1980 Mariel boat lift. They settled in west Miami, but the new immigrants were frustrated and unhappy that their older children had been unable to join them in the United States. In 1985, Pedro's mother died of cancer, and he was devastated. He later described searching for love in the absence of his mother by going to parties and dating many people. Pedro also buried himself in his schoolwork: He took honors classes and he ran track. He was an eleventh grader at Hialeah High School in 1989, when, after donating blood, he was diagnosed HIV positive. Pedro had contracted the illness from unprotected gay sex.



Pedro Zamora was famous for his no-holds-barred lectures about HIV and AIDS prevention. Although his candor was controversial, it gained him much success and respect among many of his young American peers.

Miami Herald

A Peer Educator Emerges. After keeping silent about his condition for a year, Pedro volunteered to do a report on AIDS. His teacher was so impressed by his presentation that Pedro was asked to give more speeches on the topic. Talking about HIV and AIDS gave Pedro Zamora a sense of purpose and helped him cope with his illness. He later reflected, "Since I was 18 years old, I have been doing this education across the country, and I remember when I started doing it how angry I was. I remember I promised myself never to stop doing it; down to my last breath, I would continue to educate my community."

Between 1990 and 1993, Pedro directed the Peer Outreach by HIV-Positive Persons at a local AIDS support center, the Body Positive Resource Center, in Miami. Through this organization, Pedro became a well-known speaker on AIDS prevention. He openly told his audiences that he got HIV through unprotected sex, and he advised others how to avoid infection, which was sometimes controversial. Because of his no-nonsense approach, Pedro was especially successful in communicating with young people in schools. He spoke to students of all ages, from elementary school on up, and to participants in all sorts of programs, including those at risk of dropping out of school. He warned his audiences that he probably would not live to be 30 years old, and if they were not careful, it could happen to any of them as well. He served on several task forces and panels, and began speaking nationwide in 1993.

Pedro's Lobbying Efforts. Pedro Zamora also became involved in the AIDS Action Council, a national organization representing more than 1,000 community-based AIDS service groups. The AIDS Action Council lobbies the federal government regarding AIDS policy, legislation, and funding. In association with the AIDS Action Council, Pedro testified before congressional committees on HIV prevention and the need for health care reform. In a July 1994 hearing Pedro Zamora said:

> *I am frustrated with programs that are more concerned with offending people in the general public than with saving lives. If you want to reach me as a young gay man, especially a young gay man of color, then you need to give me information in a language and vocabulary I can understand and relate to. I will be much more likely to hear the message if it comes from someone to whom I can relate.*

A Star Is Born. In January 1994, Pedro Zamora was selected to be a cast member of MTV's *Real World* program, which chronicled the lives of six young adults living in a house in San Francisco. He portrayed himself: a young man living with HIV. This television show gave Pedro a new and bigger audience whom he could teach about life with the disease. Pedro was quoted in the *Miami Herald* as saying that the MTV program was

> *a great way to educate people [about AIDS] because when I go into a presentation, I'm only there for an hour. I talk about the times that I'm happy and have a lot of energy, or I can talk about the times that I'm sick and that I'm scared, but they can't see it. They're just seeing me speak about it. This [MTV's* Real World*] was the perfect way to have people see it all. I had cameras following me when I was at the park playing soccer . . . and I had cameras with me when I was talking to the doctor and not feeling well.*

After a serious illness, Pedro Zamora died at the age of 22 in November 1994, one day after the final *Real World* episode of the season aired. President Bill Clinton eulogized him, stating that: "In his short life, Pedro educated and enlightened our nation. He taught all of us that AIDS is a disease with a human face. . . . And he taught people living with AIDS how to fight for their rights and live with dignity. Pedro was particularly instrumental in reaching out to his own generation, where AIDS is striking hard. Through his work with MTV, he taught young people that 'The Real World' includes AIDS and that each of us has the responsibility to protect ourselves and our loved ones."

Picking up Pedro's Torch. Through his activism and forthright honesty, Pedro effected changes that transcend his short life. Though his tactics were sometimes controversial, he told countless people the hard facts of HIV transmission. In doing so, he helped many Americans change the way they view homosexuals and people with AIDS. Late in his illness, Pedro said, "Now I spend more and more time worrying about my doctor appointments. And I wonder, now, as I look around me, who is going to pick up my torch?" His family members were among the first to do so. They established the Pedro Zamora Memorial Fund at the AIDS Action Foundation in Washington, D.C., so that his HIV prevention and education work could continue.

The Body Positive Resource Center—and its Peer Outreach by HIV Positive Persons—in Miami still operates with funding from the Dade Community Foundation. The AIDS Action Foundation also continues to advocate reforms in AIDS policy.

Pedro's influence was so strong that people continue to organize programs in his name. For example, in July 1995, the Pedro Zamora Youth HIV Clinic, the nation's first AIDS clinic to target HIV-positive teens and young adults, opened in Los Angeles, California. The clinic offers peer counseling, AIDS testing, and medical and support services to people with AIDS who are 24 years or younger. The Los Angeles Gay and Lesbian Community Services Center opened the clinic in response to disturbing statistics about HIV infection in young people. Americans between the ages of 13 and 24, especially women and minorities, are becoming infected with HIV at the highest rate of any group in the nation. But they have been the

Pedro Zamora saw his stint on MTV's *Real World* program as another way to educate young people about HIV and AIDS. Shown here are Pedro (second from right) and other cast members from the show's 1994 season.

AP/Wide World Photos

CASE STUDY

WOMEN AND AIDS

The story of women with AIDS was given little press coverage until the early 1990s. In 1992, two women with HIV—Elizabeth Glaser and Mary Fisher—addressed the Democratic and Republican National Conventions, respectively. In their speeches, Elizabeth Glaser, the wife of actor Paul Michael Glaser (of *Starsky and Hutch* fame), and Mary Fisher, an artist, helped remind the nation that "anyone" could get AIDS. About ten years into the epidemic, many Americans were unaware that women are more likely to get HIV through heterosexual contact than are men. Most people, including doctors, did not know very much about HIV transmission from mother to newborn, or HIV in children. Through their activism, these two women have made a difference.

Elizabeth Glaser contracted HIV through a 1981 blood transfusion and unknowingly passed the virus on to her two children. After her family's diagnosis in 1986 and her daughter's tragic death in 1988, Elizabeth Glaser summoned superhuman courage. Determined to help her son and others, she conceived and cofounded the Pediatric AIDS Foundation, and through it she raised millions of dollars for research. Elizabeth Glaser also lobbied senators and representatives in Washington to allocate more federal money for children's AIDS research. She died in 1994.

Mary Fisher, a mother of two boys, found out that she had HIV in mid-1991, after her ex-husband told her he had been diagnosed with the virus. In telling her story six months later, she rationalized, "Maybe my example would show people that anybody could get this disease, and that women are especially vulnerable." Since then she has given hundreds of speeches and interviews, advocating AIDS education and compassion for people with the disease. She has compiled her speeches into two books, and she has written a third book about her life.

Mary Fisher uses her fame to lobby government leaders regarding AIDS policies, especially finding a cure for the syndrome. She spoke once again at the Republican National Convention in 1996. Mary Fisher also created the Family AIDS Network, a small organization that gives money to AIDS groups with caregiving programs.

REPUBLICAN
NATIONAL
CONVENTION

AP/Wide World Photos

Mary Fisher, an AIDS patient and activist, addressed the Republican National Convention in August 1996. She is shown here kissing 12-year-old Hydeia Broadbent, who also has AIDS.

least likely to seek professional help. The Pedro Zamora Youth HIV Clinic is one of many examples of how Pedro Zamora's education efforts continue to thrive.

THE WORK GOES ON

Hundreds of people have been working to educate Americans about HIV and AIDS. Some have been doctors, researchers, politicians, artists, celebrities, or people with the disease. Thousands more have volunteered for organizations that support people with HIV and AIDS. Because of their efforts the syndrome now has a less threatening, more human face. People with HIV and AIDS suffer fewer prejudices than ten years ago, and they generally have access to better health care. Advances in treating the disease have enabled people with HIV and AIDS to live longer, more productive lives.

However, some activists argue that with tens of thousands of new HIV cases annually, Americans need to do even more about prevention and education. Yet it is precisely this sort of outspoken discussion that has wrought so many changes in AIDS policies. Whatever their stances on AIDS-related issues, many Americans agree that a dialogue about the disease and all its dilemmas has helped gain money for AIDS research and promoted tolerance of people with the illness. Millions of Americans have thanked those who care enough to act—like Ryan White and Pedro Zamora—for initiating and continuing that openness.

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TEACHER'S GUIDE

PERSPECTIVES

READINGS ON CONTEMPORARY AMERICAN GOVERNMENT

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TEACHER'S GUIDE

PERSPECTIVES

READINGS ON CONTEMPORARY AMERICAN GOVERNMENT

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TIFFANY FARRELL LARBALESTIER,
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The Close Up Foundation is a nonprofit, nonpartisan organization that teaches responsible participation in the democratic process through civic education programs and publications in government and citizenship. Since it was founded in 1970, Close Up has developed new and better ways for young people, educators, and a widening circle of citizens of all ages to gain a practical understanding of how government influences their lives and how individual and collective efforts influence government.

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TO THE TEACHER

WHAT IS PERSPECTIVES?

The Close Up Foundation has always believed that a citizen's perspective on government should be, whenever possible, experienced-based, up close, and personal. The dictionary defines "perspective" as "a broad view of events or ideas in their true nature and relationships." Who better to deliver such views than the men and women who daily live with the events and discuss the ideas that drive the federal government? All citizens can affect what the government does, but only a fairly small number are close enough to the action to offer a firsthand "perspective." That is why Close Up has put together a collection of readings about government written by a variety of Americans in its book *Perspectives*. It is important for citizens of the United States to read and learn all they can about how government works. And it is equally important to get all sides of the story from Americans who span all segments of the political spectrum.

Perspectives is divided into eight chapters representing eight areas that have a profound effect on the actions of the government in Washington. Those areas are the U.S. Constitution, Congress, the presidency, the bureaucracy, the judiciary, the media, interest groups, and the people. Each chapter contains several articles focusing on its title subject, followed by a historical case study that relates the subject of the chapter to an event or events that affect public policy today.

WHAT IS THE PERSPECTIVES TEACHER'S GUIDE?

Today's teachers have too much to teach and too little time. *Perspectives* and the *Perspectives Teacher's Guide* are designed with these realities in mind. With the help of this teacher's guide, the eight broad chapters of *Perspectives* can be taught as a unit or in bits and pieces. Readings and activities can be easily adapted to a variety of courses, most likely government and history. Teachers should always feel free to adapt the lessons to suit their own circumstances and students' abilities.

Each chapter of the teacher's guide opens with objectives and a list of key terms followed by a short, but lively, introductory activity called a motivator. Longer and more detailed activities then follow. The length of time necessary to complete each of these activities will vary. Some require homework assignments and time for research. Others require additional planning and follow-up. Many of the activities include student handouts that can be easily copied and distributed. At the end of each chapter are shorter enrichment activities that may suit your purpose. Each chapter also includes activities based on the case study, should you decide to make that the focus of your study of *Perspectives*.

Perspectives presents viewpoints from all over the political and social spectrum; therefore, the teacher plays an important role in prompting students to analyze every opinion. While there are opposing views presented in each chapter, the number of articles on each side of an issue are not necessarily the same. Teachers should encourage students to scrutinize the strengths and weaknesses of all of these works and develop counterpoints (even when they agree).

GOALS

This guide should help your students:

- realize that Americans have differing "perspectives" on what the federal government should do and how it should do it
- understand that the American democracy has room for people of all beliefs and opinions
- compare and contrast beliefs and opinions of several people on the same subject
- analyze how attitudes and opinions of Washington "insiders" as well as ordinary citizens affect the actions of the federal government and the direction the nation takes
- recognize that their opinions are valuable, that they can be heard, and that they can make a difference in how the nation operates and is governed

FEATURES OF THE CHAPTERS

Each chapter has several features to help you present the topic.

MOTIVATOR The motivator is a short activity to get students focused on the subject of the chapter. It will personally involve students in a variety of ways, but will not take up a great deal of class time.

OBJECTIVES A list of student objectives is provided for each chapter. After completing the background discussions, the readings, and the activities, students should have met these objectives. They include both cognitive and affective goals to help you measure student learning.

STUDENT ACTIVITIES Each chapter contains several student activities that require students to exercise their critical-thinking skills, and do both independent and group research. The first group of activities in each chapter are related to the readings, while the second group of activities focus on the case study. All units include shorter and less complex enrichment activities that may better suit your time constraints while still allowing students to explore a subject in depth.

STUDENT HANDOUTS Many activities include student handouts. They can be reproduced for classroom use.

TEACHING STRATEGIES

The *Perspectives Teacher's Guide* incorporates a wide range of activities designed to supplement a course of study. None of the lessons follow a traditional lecture format. Rather, all involve group and class discussions, interactive activities, and handouts to establish a common base of knowledge. The guide includes activities that ask the class to brainstorm, to work in groups, to participate in debates and simulations, to do outside research, and to write critically. The following paragraphs provide you with some general suggestions that you may use to supplement your own unique style and strategy.

BRAINSTORMING

Brainstorming is a technique for quickly generating a broad spectrum of ideas about a topic. Because it requires no initial evaluation or discussion, brainstorming is a nonthreatening strategy that allows every student to participate regardless of academic ability. The topic should be clearly stated up front and responses should be posted as students call them out. You should not discuss any student responses until the brainstorming session is over. Conclude a brainstorming session by focusing students' attention on the purpose for conducting the activity.

SMALL-GROUP LEARNING

The following guidelines will help you use cooperative small-group work.

1. Small-group activities can create opportunities for loss of control; therefore, such activities require class members to follow rules. Sample rules might include:

- Move quickly and quietly to groups and remain there.
- Talking between groups is prohibited.
- Talking within groups must be done quietly.
- Each group must have a leader whose task is to keep the group working, make sure that everyone participates, and keep discussions focused on the issue.

2. Organize groups heterogeneously and design group tasks in such a way that every student becomes involved. Three to five students is optimal. If you want groups that work and get the job done, choose them yourself. You will know how to divide the class into groups of fairly equal ability.

3. Encourage students to help each other without actually doing the work of another group member. One way to encourage cooperation is to award grades based on individual work as well as grades based on the performance of the group. Design tasks so that each individual student can be assisted by his or her peers, but cannot have the peers do the work of the individual.

4. Give clear directions and allow adequate time for students to complete the task.

5. Debrief by asking each group what worked and what did not work. Find out what they would do differently next time.

DEBATE

A debate can be an effective means of presenting most positions on the readings and case studies. It is sometimes difficult to involve all students in a single debate, so some students should serve as judges, moderators, or timekeepers. Holding several debates will allow all students to be on a debate team. The following procedures may be helpful when conducting debates.

1. Select a topic. Several topics are suggested in the teacher's guide; you or the class may also develop your own. Make sure the topic is clearly stated and provides for clear pro and con arguments.

2. The number of students on a debate team should be manageable so that all will have time to talk in the allotted time. Select pro (affirmative) and con (negative) debaters on each team and give them time to research and prepare.

3. Select a timekeeper and a moderator.

4. Seat the debaters in front of the class with the moderator in the middle; affirmative side to the right and negative side to the left of the moderator.

5. Begin by having the moderator read the topic statement and introduce the first speaker supporting it (affirmative). Speakers may talk only for a predetermined length of time.

6. After the first affirmative speaker is finished, the first negative speaker presents his or her arguments for the same amount of time. Alternate pro and con speakers until all have had their initial say.

7. Rebuttal arguments are made for a specified amount of time, beginning with the group opposed to the statement.

8. Conclude by polling a panel of judges or the whole class. Discuss any changes of opinion in the audience and which arguments were most persuasive.

ROLE-PLAYS AND SIMULATIONS

Simulations enable students to experience a situation from the perspective of persons actually involved in a similar real-life situation. While effective learning tools, role-play activities require a lot of preparation and students are sometimes reluctant to participate at first. But after you use such activities several times in your class, they will "get into it." The following suggestions may help.

1. Present the problem, situation, or task clearly and make sure students understand what they are expected to do.

2. Give students time to prepare and identify appropriate sources of information that will let them understand the perspective of the group or person they represent.

3. Try to involve everyone. If there are not enough roles, create new ones or develop several versions of the same simulation.

4. Begin with simple activities and involve all students as quickly as possible.

5. Consider having students reverse roles. Assign students to represent views that they do not advocate personally.

6. Create an accepting environment where students can make mistakes, take risks, and be creative while still being responsible.

7. Conclude with a thorough discussion. Highlight the instructional objectives you had for the activity. What did you want students to gain from the activity? Explore how students felt and what their feelings suggest about the people they were representing.

DEVELOPING CRITICAL-WRITING SKILLS

Many of the writing activities in the *Perspectives Teacher's Guide* involve critical-thinking and critical-writing skills. Because writing skills vary, you need to guide students in these activities. The following writing model can help improve written responses to assignments.

1. Carefully read the assignment and ask any questions you may have.
2. Brainstorm. List as many ideas as possible that are related to the assigned topic.
3. Review your list. Group related ideas together.
4. Circle any ideas that could be expanded upon.
5. Cross out any unrelated ideas.
6. Reread the assignment. Ask yourself, "What do I think about (this topic, etc.)?"
7. Analyze information and draw inferences.
8. Synthesize information and develop arguments.
9. Organize ideas.

10. Write these ideas in a clear and readable manner.
11. Proofread your work and share with a classmate. Offer and take constructive criticism.
12. Rewrite your essay or letter.

A FINAL WORD

The writers and editors of the *Perspectives Teacher's Guide* hope that the information presented in this section will make your use of *Perspectives* in the classroom easier and enrich the quality of instruction for your students. Each section of the introduction is designed to make *Perspectives* a valuable resource for your classroom and the comprehensive and motivational textbook you need to enhance your teaching.

CHAPTER 1

THE CONSTITUTION

OBJECTIVES

After completing the activities for chapter 1, students will be able to:

- describe a variety of viewpoints on how the Constitution should be interpreted
- evaluate the freedoms guaranteed by the Bill of Rights
- evaluate arguments for and against the devolution of power to the states
- explain the natural tension among the branches of government
- explain the process by which the Constitution is amended
- evaluate the arguments for and against the Equal Rights Amendment (ERA)

KEY TERMS

amendment
Bill of Rights
civil rights
devolution
discrimination
equal protection
Equal Rights Amendment (ERA)
Establishment Clause
Free Exercise Clause
human rights
internment
privatization
protective legislation
ratification
rule of law
separate spheres
separation of church and state
states' rights
suffrage
unfunded mandates

MOTIVATOR

Write on the board the following statements describing the U.S. Constitution.

- a framework for government

- a living document
- supreme law of the land
- symbol of American ideals
- centerpiece of people's struggle for self-determination
- symbol of freedom and hope for all people
- fountainhead of religious, political, and economic freedom

Divide the class into seven groups. Then, give each group an index card on which you have written one of the seven statements. Be sure each group has at least one copy of the U.S. Constitution. Students should spend a few minutes brainstorming the possible meanings of their group's statement. Then each group should develop a one- or two-sentence interpretation of its statement. Have a spokesperson from each group share the interpretation with the class. Discuss why there is such a variety of meanings for the Constitution. Ask students if they think that all of these statements accurately describe the U.S. Constitution.

Conclude by emphasizing that the framers deliberately designed the Constitution to be flexible yet authoritative and representative of American ideals, and that many people believe that is why it has survived for so long.

STUDENT ACTIVITIES

1 After students have read all of the articles in chapter 1, ask them to create a constitution for your school. Divide the class into committees to work on the following "articles": goal of the school, separation of powers, guaranteed rights for students, guaranteed rights for teachers, student responsibilities, faculty and administration responsibilities, or any other articles that you or your students think need to be addressed. Supply students with copies of the U.S. Constitution or the constitution of your student government (if one exists) for further ideas on what issues to address.

Each committee should decide and present in a brief paragraph the wording of its "article." Then, the committees should present their articles to the class for approval. The class can "amend" the articles (if needed) and "ratify" each article and the final constitution by taking a vote. If possible, hold a school assembly where the class presents its constitution to the whole school and asks the students and teachers to comment on any amendments and changes that they would make. Throughout the process, explain the similarities between the students' experiences and that of the authors of the U.S. Constitution.

2 Students should read "Civil Liberties and the Constitution" by Arthur Spitzer and "Religious Freedom and a Civil Society" by Ralph Reed, Jr. Pass out copies of **Student Handout 1—Freedom of Religion** and ask students to complete the handout after they have read the two articles. During the next class meeting, hold a discussion on why Americans have such diverse opinions about the issue of prayer in public schools. If your classroom is in a public school, ask class members to describe what effect school-sanctioned prayer would have on the student body. If your classroom is in a private or parochial school, ask students to describe what role, if any, religion plays in their education. During the discussion, encourage students to evaluate the opinions of Ralph Reed and Arthur Spitzer and compare them to their own opinions.

3 As a homework assignment, ask students to read "The Devolution Revolution: Two Views" by Governor Christine Todd Whitman and Representative Bill Richardson. During the next class meeting, lead an activity in which students will decide who would better control a variety of services—the federal government, the state/local government, or the private sector. For the activity, write each of the following phrases on an index card.

- create and enforce education standards
- provide for the national defense
- create and enforce consumer product and food safety standards
- issue driver's licenses and other forms of licenses and identification
- provide police protection for citizens
- build highways and roads
- provide financial assistance to the needy
- provide health care insurance

Next, divide the class into eight groups and allow each group to pick one card from the stack you have just created. Write the following questions on the board for students to consider during their discussions.

1. Who provides this service now—the federal government, the state/local government, or the private sector?
2. Do they do a good job?
3. If yes, then why are they the best entity to control this service?
4. If no, then who would better provide this service? Why?

After the groups have had a chance to discuss their topics, ask for a volunteer from each group to share the results of their group discussion with the class. When each group has been heard from, hold a class vote on who would best provide these services. How do students think Governor Whitman or Representative Richardson would have voted on these issues?

Finally, lead a discussion on the benefits and drawbacks of giving more power to the states. Do students think the current debates could result in a weakening of the union, or create the opposite effect and strengthen the federal government? Point out recent skirmishes between the federal and state governments, and how/if they were resolved.

4 During class, ask students to read "Japanese Americans and the Constitution" by Senator Daniel Inouye and "Balancing Civil Liberties with the Rule of Law" by FBI Director Louis Freeh. After they have read the articles, lead a discussion on individual civil liberties during times of war. Talk about the examples given by Senator Inouye and Director Freeh or cite other examples from history.

For a homework project, ask students to interview relatives, neighbors, or teachers who remember World War II, the Korean War, or the Vietnam War. Students should ask their subjects if they recall any restraints on their constitutional rights during these times. Interviewees should also reveal their opinions on suspending or limiting individual freedoms in the name of national security. Students should pay special attention to their subjects' background, being sure to note their military service record (if any), age, occupation, ethnicity, and political persuasion. They should describe their interviews to the class during a two- to three-minute oral report.

5 For a homework assignment, ask students to read "The Words We Live By" by Senator Orrin Hatch and "Women's Equality and the Constitution" by Patricia Ireland. During the next class meeting, hold a discussion on the contrasting views of how the Constitution should be interpreted. Explain to students that some people believe that judges should try to interpret the meaning of the Constitution in the context of the times, even if it amounts to shaping public policy. These people believe in judicial activism. Others, however, think that the Constitution should only rarely be tampered with and that it is dangerous to allow judges the unrestrained freedom to reinterpret the Constitution as they see fit. These people believe in judicial restraint. Ask students to analyze the Hatch and Ireland articles to determine whether the authors would support judicial activism or judicial restraint. Students should explain their answers in a one- to two-page essay.

6 After students have read all of the articles in chapter 1, and paid special attention to "The First Amendment Is a Consistent Right" by Anthony Griffin and "Civil Liberties and the Constitution" by Arthur Spitzer, distribute **Student Handout 2—Freedom of Speech.** Ask students to complete the handout in class or as a homework assignment. Choose a few volunteers to describe their answers.

Tell students that, for the next few weeks, they should collect articles from newspapers or magazines dealing with freedom of speech issues. Possible topics could include Supreme Court decisions on free speech, efforts to regulate sexually explicit materials on the Internet and violent content on television, hate-speech codes on college campuses, flag burning, or any other First Amendment issues. Ask students to bring their articles to class and spend a few minutes discussing the stories. Post the articles on a bulletin board under the heading of "Free Speech?"

7 After students have read "Separate Branches, Shared Powers" by Lloyd Cutler, ask them to compare it to Senator Thad Cochran's article in chapter 3 titled "The President and Congress: An Enduring Tension." Ask class members to write a one-page essay comparing and contrasting the views of these two authors. During the next class meeting, ask students to give their own opinions on the separation of powers. Do checks and balances work? Is one branch sometimes more powerful than another? How do political parties—not mentioned in the Constitution—affect the system? How can "gridlock" be avoided when each branch, it seems, is working against the other?

ENRICHMENT ACTIVITIES

1 Have students find evidence of the day-to-day impact of the Constitution on the lives of ordinary Americans by bringing in newspaper and magazine articles to illustrate the point. Create a bulletin board or display titled "The Constitution: A Living Document," and have students illustrate it with their articles, artwork, and props. This can be an ongoing display.

2 Students should interview five individuals about their views on the Constitution. Encourage them to seek a variety of individuals, with several generations, occupations, and backgrounds represented. If possible, at least one interviewee should be involved with political or government work. In class, have students discuss their results and any patterns that emerge. How do their survey results compare to the views of the authors in "The Constitution" chapter?

3 Provide students with copies of the U.S. Constitution and the United Nations Universal Declaration of Human Rights. For a homework assignment, ask students to compare the UN document to the U.S. Constitution in a one- to two-page paper. Students should address some of the following questions in their essays.

- What are the similarities and differences between the two documents in length, style, intended audience, and purpose?
- What rights are listed in both documents? In only one?
- Which provisions, if any, of the UN document do you wish were included in the U.S. Constitution? Which provisions, if any, are you glad are not in the U.S. Constitution? Why?
- Do you believe the UN Declaration will be adhered to and endure as the U.S. Constitution has? Why or why not?

To better appreciate the political climate in 1789, have students conduct research into social and political concerns in eighteenth-century America. Assign groups of students a segment of society, such as white landowners, women, slaves, farmers, and so forth. Then have the participants representing the various groups hold a mock town meeting in which they discuss the need for a replacement to the Articles of Confederation and what the replacement should include.

CASE STUDY

THE ERA: ALMOST AN AMENDMENT

STUDENT ACTIVITIES

1 Ask students to read "The ERA: Almost an Amendment" as a homework assignment. At the same time, pass out copies of **Student Handout 3—Questions to Consider.** Tell students they should complete the handout after they have read the case study.

In the next class meeting, have students read aloud their answers to the questions on the handout. Then take a vote, asking students to decide whether the ERA should or should not have been added to the Constitution. Ask a few students to explain their votes.

Next, organize debates on gender equity issues. Divide students into teams and allow each team ten minutes to prepare arguments for and against one of the following statements.

- *Women should not be allowed to fight in military combat missions.*
- *Men and women should receive the same salaries if their jobs are comparable.*

- *Businesses that have few female employees should hire and promote more women.*
- *Public money should not be used to fund single-sex universities.*

Half the members of each team should take the "pro" side; half the "con" side. After each side has had three minutes to state its position, have the rest of the class vote to choose a "winning" side. Ask students if they think adding an equal rights amendment to the Constitution would solve some of these issues or make matters worse. Then, vote again on whether students believe an ERA should be added to the Constitution. Ask any class members who changed their original votes to explain why they switched.

2 To further students' understanding of the history of women's political involvement, ask students to research and write one-page biographies on one of the following women.

- Susan B. Anthony
- Elizabeth Cady Stanton
- Sojourner Truth
- Ida Wells
- Alice Paul
- Jeanette Rankin
- Betty Friedan
- Phyllis Schlafly

In their essays, students should address the following questions.

- In what cause was this woman most involved?
- In what ways did she attempt to further this cause?
- Did she achieve her goal?

Have students read their essays to the class. Then post the essays on the bulletin board for students from other classes to read. Conclude by leading a short discussion about prominent women political figures today. Point to such public figures as Hillary Rodham Clinton, Dianne Feinstein, Geraldine Ferraro, Kay Bailey Hutchison, Christine Todd Whitman, and others.

3 Begin a discussion on the process of amending the Constitution. Ask students to refer to page 36 in *Perspectives* and examine the chart on the amendment process. Ask the class what kinds of criteria a proposed amendment should meet before becoming the supreme law of the land. Is the process too simple? Too complicated?

Next, break students into groups of four or five and distribute **Student Handout 4—Proposed Amendments to the Constitution.** They should consider the merits of these recently proposed or suggested amendments and then rank them in order of the likelihood of their ever being added to the Constitution. Then, have each group present and explain its reasoning to the class. Discuss and compare the responses of the groups, and encourage students to elaborate on and defend differing opinions. Why do they think the amendments on the handout were proposed? Would the framers of the Constitution be pleased with how many times the document has been amended? Why or why not?

ENRICHMENT ACTIVITIES

1 For a homework assignment, ask students to research the current status of a proposed constitutional amendment. They should write a two-page essay summarizing the amendment and the reasoning of its supporters and detractors. They should also speculate on the likelihood this amendment will be added to the Constitution.

2 Students should first refer to the timeline for the Equal Rights Amendment, which appears on page 43 of *Perspectives*. As a homework assignment, ask them to create a timeline for one of the twenty-seven amendments that were added to the Constitution. The timeline should include when the amendment was first proposed and identify any major obstacles it overcame before being added to the Constitution. Students should compare the progress of past successful amendments to the path of the ERA.

3 Invite a member of your state legislature to speak to students about the differences between amending state constitutions and amending the U.S. Constitution. Encourage your speaker to address the following questions: How many amendments does our state constitution have? What is the difference in purpose between our state constitution and the U.S. Constitution? Is it difficult to amend our state constitution? Would you vote to ratify any of the proposed amendments to the U.S. Constitution that have been introduced in the last few years? Why or why not?

CHAPTER 2

THE CONGRESS

OBJECTIVES

After completing the activities for chapter 2, students will be able to:

- debate arguments for and against congressional term limits
- evaluate the role and function of the speaker of the House
- evaluate the relationship between a member of Congress and his or her constituents
- illustrate the process by which a bill becomes a law
- describe conflicts between the president and Congress during the 1995–96 federal budget impasse

KEY TERMS

appropriations
Balanced Budget Amendment
bicameral legislature
budget deficit
careerism
constituents
Contract with America
discretionary spending
entitlements
fiscal year (FY)
Great Society
incumbent advantage
Medicaid
Medicare
national debt
New Deal
pork barrel projects
speaker of the House
supply-side economics
term limits

MOTIVATOR

To begin the chapter on the Congress, conduct an activity in which students will determine what priorities a member of Congress must consider before voting on legislation. Write the following list on the board.

- constituent needs
- interest group lobbying
- party loyalties
- public opinion
- committee responsibilities
- preference of the president
- personal values

Divide the class into three or four groups and ask each group to arrive at an order in which a member of Congress should consider these factors before voting on a bill.

After each group has determined an order, write their rankings next to each item on the board. Average the rankings to determine the overall class rankings for the items. Discuss the pros and cons of choosing one of these elements over another. Why do members of Congress have to be concerned with what other members of their committees think? With what interest groups think? (Continue through the list of items.) In what type of situation do students think it would be acceptable to ignore one or more of these interests?

Conclude by stressing that when making decisions, members of Congress must balance the needs of their constituents while also considering the well-being of the whole nation.

STUDENT ACTIVITIES

1 Before students read the articles in chapter 2, distribute **Student Handout 5—Congress: Key Terms** and ask them to complete it during class. Students may work individually or in groups. Then, go over the answers. They are:

1–K
2–H
3–C
4–T
5–Q
6–P
7–I
8–L
9–J
10–G
11–E
12–R
13–B
14–A
15–S
16–D
17–F
18–N
19–M
20–O

Tell students that they will need to be familiar with these terms to understand and evaluate the articles in chapter 2.

2 After students have read all the articles in chapter 2, ask them to make a timeline representing the process of how a bill becomes a law. Provide the class with large pieces of poster board to represent each step. Students should research the process by referring to government textbooks or other reference material available to them. You may want to assign individuals or groups of students to research each step of the process, including how the House and Senate procedures may differ. The following steps should be represented on the timeline.

- an idea for a bill
- sponsorship
- introduction in the House or Senate
- committee assignment
- committee/subcommittee hearings
- bill is "marked-up" or changed
- committee vote
- rules of floor debate are set
- floor debate
- floor vote
- goes to other house where process repeats
- the two versions of the bill go to conference committee
- floor vote again
- president signs into law (or) president vetos
    - revote for two-thirds override of veto
    - president signs into law

Encourage students to embellish their posters with examples of each step, using newspaper clippings, drawings, cartoons, or other materials. Remind students that, at any time during this process, the bill may be "killed." Of the thousands of bills that are proposed each year, only a few actually become law.

Once the timeline is complete, hang the posters in order around your room so students can walk through the process of how a bill becomes a law. Conclude by asking students to give their impressions of the process. Is the process too difficult? What is the difference between the procedures in the House and the procedures in the Senate? What surprised them about what they learned?

3 After students have read "Term Limits: Two Views," organize one or more debates on the issue of term limits for members of Congress. Divide debate teams into two sides, one favoring term limits and the other opposing. Allow debaters ten minutes to formulate their arguments, using information from the articles or outside sources that you provide. Begin each debate by allowing the pro side to speak first, followed by the con side. Each side should speak for five minutes. After the debate, allow members of the class to question the debaters. Then, by class vote, determine the "winner." Conclude by leading a discussion. Are term limits the solution to the problems Congress has experienced in recent years? Can students think of other ways—besides term limits—to prevent lawmakers from pandering to special interests or losing touch with their constituents?

To extend this activity, ask students who oppose term limits to find out which members of Congress have been in office for the longest number of years and whether or not their constituents are pleased with the jobs they have done. Students who favor term limits should do the same for members of Congress who are in their first terms. They should share their findings with the class and say whether or not their opinions on term limits were changed by what they learned.

4 After students have read "Keeping Congress Close to the People" by Speaker of the House Newt Gingrich, ask them to study past speakers. Subjects can include but are not limited to Henry Clay, Joseph Cannon, Sam Rayburn, Tip O'Neill, or Thomas Foley. Students should find out what state the speaker was from, how he rose to power, and what he was best remembered for. They should present their reports to the class in a two- to three-minute oral report.

5 After students have read "Keeping Congress Close to the People" by Newt Gingrich, "Reflections of a New Representative" by J. C. Watts, Jr., and the case study in chapter 2, lead a discussion on the relationship between the Republican majority in Congress and President Bill Clinton. Tell students that recent studies show Americans prefer that separate parties control the Congress and the White House. Why is that? How has the relationship between Congress and the president been affected by their opposing party affiliations? How did the tone of the 105th Congress differ from that of the 104th Congress? Does having Congress and the White House in opposing hands help or hinder the legislative process?

6 Ask students to read "A Congresswoman and Her Constituents" by Nancy Pelosi. Then, as a class project, students should test the accessibility of their senators and representatives. Ask each student to write a letter to his or her representative and senators describing an issue about which he or she feels strongly or asking a question about the legislative process.

Next, divide the class into three groups. Have each group send its messages to their members of Congress by different means. Examples include by mail, by telephone, by e-mail, or in person to the Washington offices, or by any of these methods to the local offices of their members of Congress. Choose the three methods that will work best for your classroom situation.

During the next few weeks, ask students to record the responses that they get. Students should keep copies of any messages they receive and make notes of the conversation if they receive a telephone call or meet with someone in person. After several weeks, hold a discussion on how accessible students believe their representatives and senators are. Who were more accessible, senators or representatives? What was the most successful means of eliciting a response? Were students satisfied with the responses? Conclude the lesson by encouraging students to continue to contact their members of Congress to express their opinions on issues in the future.

ENRICHMENT ACTIVITIES

1 Take your class on a field trip to visit your state legislature. If possible, arrange for your students to meet with their senators and/or representatives to discuss the types of issues that state legislators deal with and what makes their jobs different from or similar to federal legislators' jobs. Ask students to work together to take notes, photographs, and collect mementos from the trip to share with your school. Have them describe their visit in an article for the school newspaper.

2 Have students develop a profile of a generic representative. What characteristics are desirable? What qualifications should the representative have? What duties will he or she perform? Then, have students write short essays discussing whether the job of being a U.S. representative appeals to them and why.

3. Have students research and list congressional perks (short for perquisites—free or special services members receive as benefits, such as reserved parking or free mailings) that members of Congress enjoy in office and after they leave. Are students surprised by the list? Do they think there are too many perks? Which privileges do students believe are justified and which do they believe are excessive?

4. Invite a congressional staff member from the local office of your representative or one of your senators to speak to students in your class. Questions for the speaker could include:
   - What is your job?
   - Why did you want to work for this member of Congress?
   - What is the difference between working in the local office and working in the national office of a member of Congress?
   - What kinds of services do you provide to constituents?

5. Ask students to find out about other legislative systems around the world. Countries to research could include Great Britain, France, South Africa, and Japan. In a one- to two-page essay, students should identify what type of legislative system their assigned country has and compare it to the U.S. system.

CASE STUDY

THE 104TH CONGRESS AND THE BATTLE OVER THE BUDGET

STUDENT ACTIVITIES

1. After students have read the case study, "The 104th Congress and the Battle Over the Budget," test their knowledge of Congress and the budget process by asking them to answer the true-false items on **Student Handout 6—How Much Do You Know?** Emphasize that this is not a graded test, but will only be used as a basis for a class discussion on Congress, its role in developing the federal budget, and the 1995-96 budget dispute. You may want to give ten or fifteen minutes of class time to students to complete the handout, or assign it as a homework project.

   After everyone has completed the handout, proceed through each item and briefly discuss its message and why it is important. Students should come away from the discussion with a clearer understanding of Congress's role in developing the budget and why and how the 1995-96 budget battle took place.

Handout Key:

1. T
2. F—Only Congress can appropriate money
3. F—$5 trillion is the national debt, not the annual deficit
4. T
5. T
6. T
7. T
8. T
9. F—Democrats wanted smaller or no tax cuts
10. T
11. T
12. F—They never did agree to a balanced budget plan
13. F—Just the opposite is true
14. T
15. F—Nearly half goes for entitlements

2 Write the following statements on the board.

- *The way to balance the federal budget is to reduce the growth of Medicare, Medicaid, and Social Security, and give tax cuts to working families.*
- *The way to balance the federal budget is to cut federal spending in programs other than Medicare, Medicaid, and Social Security, and keep tax rates as they are.*
- *The way to balance the federal budget is to allow Medicare and Social Security benefits to grow as they always have, but make the older Americans who can afford it pay more for those programs than they do now.*

Next, divide the class into pairs and have all pairs count off by threes. The pairs in group 1 will consider the first statement on the board, group 2 the second statement, and group 3 the third statement. Now tell the class that they are going to play the roles of members of Congress and are going to deliver a speech (or a written report) either supporting or opposing the statement they have been assigned. Each pair can decide which side each student will take

Give students enough time—either in or outside of class—to prepare their arguments. They should draw on information in *Perspectives* and any other sources available to them. Pairs should discuss the pros and cons of their statement and jot down arguments and points that come up in the discussion. Speeches should be short (one or two minutes). If you are having them write reports, one or two pages should do.

When everyone is ready, ask students to give their speeches or read their reports. Conclude with a discussion about the best arguments for and against each of the statements. Students should come away with a better understanding of why it is often difficult for Congress to agree on controversial legislation, particularly concerning the budget.

3 Ask the class to do a community survey using **Student Handout 7—Ask the People.** You may want to group or pair students to conduct the survey, or have them do it as individuals. At any rate, students should go around their neighborhoods and community and ask two teens, two working-age people, and two retired people to respond to the questions on the survey.

After everyone has completed their surveys, tally the results and write them on the board. On what items do the age groups most agree? On what items do they most disagree? What items show the greatest consensus within an age group? What conclusions can you draw from the results of the survey?

ENRICHMENT ACTIVITIES

1 The federal budget deficit was a hot topic during 1995. But as the 1996 presidential election season proceeded, other issues tended to overshadow the deficit. As a research project, ask students to look back at newspapers and magazines from the last six months of 1996 and find out what presidential candidates Bill Clinton, Bob Dole, and Ross Perot were saying about the deficit in their campaigns. Then, to conclude their research, have class members try to find out what issues the experts thought were most important to voters in the 1996 presidential election. Was the budget deficit high on the list? Why or why not?

2 Ask members of your class to write letters to their representative or senators asking about the budget deficit or some aspect of the federal budget. They should carefully study a part of the budget or a tax in which they are interested or that may affect them and their families, and then express their views in a thoughtful letter. Discuss with them the most effective way to express a view in a letter and suggest they invite their members of Congress to respond. They can address letters to:

The Honorable (senator's name)
Senate Office Building
Washington, DC 20510

or

The Honorable (representative's name)
House Office Building
Washington, DC 20515

3 In 1994, many congressional candidates–especially for seats in the House of Representatives–emphasized their desire to eliminate the deficit. Many of these candidates were elected and they led the fight to balance the budget in 1995 and 1996. As an addition or follow-up to the previous enrichment activity, have students find out how these "deficit hawks" of the 104th Congress fared in the November 1996 election. Were most of them reelected? Why or why not? Did they campaign just as hard on the issue of balancing the budget in 1996 as they did in 1994? Can students draw any conclusions about the 1995-96 budget battle from outcomes of the election of 1996?

4 Organize classroom debates on the following statements.

- *A balanced budget amendment should be added to the Constitution.*
- *Issues other than the budget deficit are more important for the country's well-being and Congress should deal with those issues first.*
- *To reduce the growth in government spending, affluent retired Americans should be made to pay more for the health care and retirement benefits they receive from the federal government.*

Allow debaters time to research their topics. Before beginning debates, select a timekeeper and a moderator to keep the debates orderly and to keep them moving. You may also want to select a panel of judges or simply poll the entire class at the end of each debate to determine a "winner." The affirmative, or pro side, should go first for a set length of time followed by the negative, or con side, for the same length of time. Then allow each side two to three minutes for rebuttal. After a "winner" has been determined, briefly discuss the strengths and weaknesses of the arguments.

5 Ask students to look at the cartoon on page 74 of *Perspectives*. Then, ask the following questions.

- Who do the two large characters in the cartoon represent?
- Who does the small character represent?
- What does the Clinton character have in his hand? What does the Gingrich character have in his hand?
- What is the message of the cartoon? From reading the case study, which of the two blinked first in this fight?

6 Ask students to look at the chart titled "Dividing the Budget Dollar" on page 72 of *Perspectives*. Then, ask the following questions.

- Which programs take up the largest part of the federal dollar? Why is it difficult for Congress and the president to reduce spending on these programs?
- Which segment of the dollar is most likely to be cut by Congress in order to save money? What would happen to the budget deficit if that entire segment was eliminated?
- Which segment of the dollar would gradually disappear if the government ran a budget surplus each year for several years?

CHAPTER 3

THE PRESIDENCY

OBJECTIVES

After completing the activities for chapter 3, students will be able to:

- discuss the division of constitutional powers between the legislative and executive branches
- describe the demands of being the president of the United States
- evaluate the effect of press coverage and public opinion on the presidency
- present biographical information on at least one former president to the class
- explain the process by which presidents garner support for legislation

KEY TERMS

agenda
bully pulpit
checks and balances
coalition building
commander in chief
compromise and barter
congressional government
free trade
gridlock
North American Free Trade Agreement (NAFTA)
presidential government
presidential honeymoon
protectionism
separation of powers
shadow whip
tariff
trade deficit

MOTIVATOR

Copy the presidential oath of office on the board.

> *I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States.*

Then, in a brainstorming session, have students tell what they think are both positive and negative aspects of being president. The list might include such items as being the leader of a powerful democratic nation, running for reelection, meeting with foreign leaders, being in the public spotlight, being the potential victim of assassination attempts, and so forth. Generate as many responses as possible in five minutes and write them on the board. Next, go back and circle every item that deals with presidential power. Ask students to decide whether each of the circled items is positive, negative, or both. Help them to realize that presidential power comes in many forms and that power can be a double-edged sword. For example, presidents have the opportunity to give televised addresses. However, they are often criticized by the media, which abridges some of that power. Finally, focus on the oath of office and ask class members if they think that the oath of office is an adequate promise for a president to make to the nation.

STUDENT ACTIVITIES

1 Read aloud the questions from "Close Up with President Bill Clinton" and have students predict the president's responses to those questions. If their knowledge of recent current events is limited, you may want to give them some background information.

Students should then read "Close Up with President Bill Clinton." Have them compare the president's actual answers with their predictions. Did the president specifically address the questions asked of him? Did he answer as students predicted? Were they surprised by his answers?

Next, lead a discussion on the challenges the president faces when giving a speech or writing an article like the one the students have just read. Ask students to give examples of statements presidents have made in public that have gotten them in trouble. Do the people expect a president to be consistent in his responses all the time? Is that a fair expectation?

2 After students have read all the articles in chapter 3 of *Perspectives*, distribute **Student Handout 8—Viewpoints on the Presidency.** Tell the class that the quotations on the handout are drawn from the articles that they have just read by President Bill Clinton, Senator Thad Cochran, Burt Solomon, Senator Richard Lugar, and Helen Thomas. Give them ten minutes to complete the handout in class.

Then, ask each student to choose the quotation with which he or she most strongly agreed and the one with which he or she most strongly disagreed. Ask for volunteers to state and explain their choices.

As a homework assignment, divide the class into seven groups, one for each quotation on the handout. Each group is going to prepare a five- to seven-minute minute oral report on the quotation it has been assigned.

Groups should meet during a free period or after school to work together on the project. During this meeting, students should discuss the quotation they have been assigned and vote on whether or not they agree with it. Then, they should assign individuals or pairs of students to work on the following subject areas.

- Explain what the quotation means.
- Give an example of how this quotation could be used to describe the current president/presidency. (The group as a whole should provide at least three examples.)
- Explain why the group does or does not agree with this quotation.

Encourage students to prepare or gather visual aids such as bulleted lists, charts, pictures, newspaper clippings, or political cartoons to help illustrate their points. During the next one or two class meetings, allow the groups to present their reports to the class. Each student in the group should have a turn to speak.

Conclude by leading a discussion. Why do Congress and the president sometimes get stuck in "gridlock"? Do the "checks and balances" in the American democracy work? Ask students to give examples from *Perspectives* or the student reports to support their answers.

3 For a homework assignment, ask students to read "Do We Ask Too Much of Presidents?" by Burt Solomon and "The Quest for the Presidency" by Senator Richard Lugar. During the next class meeting, distribute copies of **Student Handout 9—The Ideal President** to the class. Give students ten minutes to complete the handout. Once they have finished, ask them to reveal their top choices for the most important quality of a good president. Write the responses on the board and tally the results. Allow students a few minutes to explain why they ranked the items as they did and to defend their choices to the class.

Then, lead a discussion on the presidency. Ask students who—according to their individual rankings of qualifications—do they think was the best president in history? Who was the worst in history? (According to scholars, the presidents who consistently rank as "best" are Thomas Jefferson, Abraham Lincoln, Woodrow Wilson, Franklin Roosevelt, and Harry Truman. Most often listed as worst are Warren Harding, Ulysses Grant, and Richard Nixon.) How have these qualifications changed over time? Do Americans expect too much of the president? Too little? Conclude by emphasizing that a president is constantly juggling the demanding—and sometimes competing—concerns of being the nation's premier executive, commander of the armed forces, party leader, public figurehead, and foreign diplomat.

4 Ask students to read "The Best Beat in the World" by Helen Thomas. During the next class meeting, show a video of a recent presidential press conference. Ask students to take notes during the video, describing their impressions of the conference. Write the following questions on the board for students to consider while they are watching.

- What was the best question asked?
- What was the worst question asked?
- Did the president effectively handle reporters' questions?
- Do you think the president was telling the truth? If not, name an instance in which you believe the president was not telling the truth. How do you know?
- What question would you have asked if you were there?

After students have watched the news conference, hold a brief discussion on the role of the White House press corps. How important are the media in shaping public opinion of a president? Should the media have an adversarial or a friendly relationship with the president? Why? Ask students to name some instances in history when actions of the press have had a profound effect on the president or the presidency.

5 After students have read all of the articles in chapter 3, they should prepare short biographies of former U.S. presidents to present to the class. Assign a different president to each student and ask them to prepare a five-minute autobiographical speech that their assigned president might give about himself if he were alive today. The speech should answer the following questions.

- What did he do before he was elected president?
- What was his greatest accomplishment during his term(s)?
- What was his greatest failure?
- How has history remembered him?

When students present their speeches to the class, they should take on the persona of the president they are representing as much as possible. Encourage students to dress up or use mannerisms or phrases that their assigned presidents were known for. After the presentations, hold a discussion on how presidents are remembered by historians, the American public, and the world. Do perceptions of a president and his actions change over time? Why or why not? How do students think the current president will be remembered? Why?

6 Organize a debate on the following statement.

The president should be given more power.

Divide the class into two groups, one in support of this statement, the other in opposition. Allow students twenty minutes to prepare their arguments. Encourage them to use examples from *Perspectives* or other sources to support their arguments. Tell students to pay special attention to Senator Thad Cochran's article "The President and Congress: An Enduring Tension" in which the author points out that American democracy has swung back and forth between a congressionally dominant and a presidentially dominant government but that the conflict has resulted in a fair balance of power. Allow each side ten minutes to present its case. After each side has presented, allow students to question each other. Then ask the class to vote on their personal opinion on this question: Does the president have too much power or not enough? Ask students to give examples from history or current events to support their arguments.

ENRICHMENT ACTIVITIES

1 Have students research the roles of presidential advisers and supporters such as White House staff, cabinet members, and the president's friends and family. How important are these people's opinions to the president's final decisions on policy matters? Does their influence vary from president to president?

2 Ask students to study recent legislative proposals by the current president, such as those dealing with health care, welfare reform, or the federal budget. In a class discussion, focus on the results of the president's initiatives. Did members of Congress vote on a bill identical or similar to the president's original proposal or did they rewrite it? Did Congress pass the legislation? Was the president satisfied with the congressional action? How many bills has the president vetoed this term? If so, were the disagreements related to party differences, differences between the executive and legislative roles, or something else? Have class members evaluate whether the checks and balances system is a help or hindrance to creating public policy.

3 Ask students to write a one- to two-page essay on why they would or would not want to be president. Have them cite information from the articles and the case studies in *Perspectives* and information from outside sources to support their answers. Are the benefits/drawbacks of being president the same as for other elected offices? Would they have made a different decision if they were living in a different time period? Why?

4 For a homework assignment, ask students to find out how the role of head of state in other countries differs from the U.S. presidency. Countries to examine could include Canada, Cuba, Great Britain, Russia, South Africa, and Spain. Divide students into small groups and assign each group a different country to research. They should find out what powers the leader has and the method by which the leader is chosen and evaluate the overall effectiveness of the position. How do other types of government, such as parliamentary democracy or dictatorship, create different challenges for a head of state? What could U.S. presidents learn from these other systems? What could leaders in other countries learn from the U.S. president?

CASE STUDY

PRESIDENT CLINTON AND THE NORTH AMERICAN FREE TRADE AGREEMENT

STUDENT ACTIVITIES

1 Ask students to read "President Clinton and the North American Free Trade Agreement" as a homework assignment. At the same time, pass out copies of **Student Handout 10—Questions to Consider.** Tell students they should complete the handout after they have read the case study.

At the beginning of the next class, have students read aloud their answers on the handout. Then, organize debates around issues raised by the NAFTA battle. Divide the class into groups of three or four students each and assign them to either a "pro" or "con" position on one of the following issues.

- *Free trade hurts the American worker.*
- *The White House has to "buy votes" from members of Congress if the president's policies are to become law.*
- *Ross Perot should not have had such a prominent role in the NAFTA debate.*
- *By supporting NAFTA, President Clinton betrayed labor unions and other constituencies that helped elect him.*

Give groups fifteen minutes to develop their arguments for the debate. Then, allow each group on opposite sides of an issue four minutes to voice their opinions. The class should vote on who it thinks made the best arguments.

End the debates by discussing the challenges a president faces when attempting to build support for controversial legislation. Tell students that presidents are always conscious of how their actions will affect their ability to please their loyal constituencies, maintain popular opinion, and make allies in Congress.

2 For a homework assignment, ask students to research how presidents in the past attempted to build public and congressional support for controversial legislation. Assignments may be drawn from the following examples or any others that you choose.

- George Bush and the Persian Gulf War
- Ronald Reagan and aid to the *contras* in Nicaragua
- Jimmy Carter and the Panama Canal Treaty
- Lyndon Johnson and the Civil Rights Act of 1964
- Franklin Roosevelt and the New Deal
- Woodrow Wilson and the League of Nations
- Theodore Roosevelt and the Pure Food and Drug Act

Ask students to write a one- to two-page essay describing the president's actions. Students should assess whether the effort was a success or failure and describe the tactics used. Have students read their essays to the class. Then, lead a class discussion asking students to compare the efforts of past presidents to President Clinton's fight to win support for NAFTA.

3 Begin the activity by writing "bully pulpit" on the board. Explain to students that the phrase "bully pulpit" was coined by President Theodore Roosevelt to describe a president's power to obtain popular support for his policies because of his constant presence in the public eye. Ask students to give recent examples of a president using a routine presidential duty (such as delivering a State of the Union address or a bill-signing ceremony) to voice his opinion on issues. Do students think these opportunities give the president an unfair advantage in battles with Congress and challengers to the presidency?

Then, for a homework assignment, ask students to gather news articles about the president and his policies. Students should underline passages that demonstrate the president using the "bully pulpit" to further his legislative agenda. Pin the articles on a bulletin board in your classroom.

After a week or two of gathering articles, lead a discussion on how the "bully pulpit" has changed because of technological advances. Why do presidents court public support for their legislative agendas when only members of Congress can vote on the issues? How has the proliferation of unfiltered news outlets such as C-SPAN and talk shows affected presidential political strategies? How has the decline in newspaper readership affected national debate on policy issues like NAFTA? Have presidents effectively used the Internet to publicize their agendas? Should they? Will they in the future?

ENRICHMENT ACTIVITIES

1 Ask students to follow up on the information they learned in the case study by finding out how NAFTA has fared since it went into effect in January 1994. In a one-page essay, students should address the following questions: Has NAFTA been a success? Has the congressional coalition that President Clinton assembled to pass NAFTA endured? Students should also describe at least one negative and one positive effect of NAFTA.

2 Have students create an illustrated timeline on the passage of NAFTA. They should use the information from the case study as well as other news articles for information on how and when NAFTA was finally signed into law. The timeline should chronicle the major steps of negotiating an agreement, passing the legislation in hearings, debating on the floor, casting final votes in Congress, and securing the president's signature. Encourage students to illustrate the timeline with pictures or clippings from news articles that explain what is happening at each stage of the process. Display the timeline in your classroom to help students further understand the complex process of how a bill becomes a law.

3 Have students gather newspaper and magazine editorials and op-ed pieces on NAFTA written before its passage. Place the articles in two boxes, one marked "pro," the other marked "con." When each box contains at least ten articles, ask groups of students to analyze the arguments used in the editorials for and against NAFTA. Students may want to consider the following questions: Which arguments were used most frequently to support NAFTA? Which arguments were used most frequently to oppose NAFTA? Did opinions of NAFTA change over time or remain constant? How did press coverage of NAFTA affect its status in Congress? After the groups have presented their findings to the class, ask each student to write a one-page editorial supporting or opposing a current issue being debated by Congress and the president.

CHAPTER 4

THE BUREAUCRACY

OBJECTIVES

After completing the activities for chapter 4, students will be able to:

- define federal bureaucracy and describe some of its tasks
- evaluate the efficacy and efficiency of one aspect of their school's bureaucracy
- compare and contrast views on environmental regulation
- investigate a local environmental concern
- discuss the history of and current trends within the Bureau of Alcohol, Tobacco, and Firearms

KEY TERMS

balanced budget
bureaucrats
Bureau of Alcohol, Tobacco, and Firearms (ATF)
Clean Air Act
Clean Water Act
environmentalists
environmental regulations
Gun Control Act
National Performance Review (NPR)
National Rifle Association (NRA)
Prohibition
red tape
regulation
reinventing government
Second Amendment
statutes
Superfund
United States Environmental Protection Agency (EPA)

MOTIVATOR

Write the word "bureaucracy" on the board. Ask students to brainstorm the word for a few minutes. Record their responses on the board. After responses stop coming, look closely at the list. Mark the negative responses with a star. Based on the responses on the board, what seems to be the general attitude of your students toward the bureaucracy?

Next, spend a few minutes defining "bureaucracy" and "bureaucrat." Make sure students know exactly what they are talking about when they use those words. One of *Webster's* descriptions is straightforward: "a body of officials and administrators." But *Webster's* also says: "government characterized by a rigid hierarchy of bureaus, administrators, and petty officials" and "administration characterized by excessive red tape and routine." Read those descriptions to your class and ask members which of the three they think is most accurate. Remind students that for your purposes, the bureaucracy is made up of all the men and women who work for federal, state, and local governments; nearly 300,000 federal employees and many more state and local government workers.

STUDENT ACTIVITIES

1 Begin by asking students if they know any bureaucrats. Does anyone in their family work for the local, state, or federal governments? Do any students aspire to civil service? If so, what would they like to do? Explain that in the following activity, they will learn about how some government offices work.

Have class members read the article "The FCC: At the Forefront of Communications" by Reed Hundt. It describes the mission of the Federal Communications Commission (FCC) and how the agency carries out its duties. After students have finished the reading (perhaps as a homework assignment), hold a group discussion. What are the missions of the FCC? How does it implement those goals? Reed Hundt claims that communications technology helps give people the opportunity to live the American dream. Do students agree? Why or why not? Explain that government offices carry out varying tasks. Some local or state government offices coordinate the building of roads, while others service preschools for needy children. Similarly, each federal bureau or agency has varying tasks and responsibilities.

Then, divide the class into groups of three or four students. Ask each group to research one local, state, or federal government bureau or agency. They might choose to learn about the county or city board of education, a local welfare office, a public housing department, or some other government service. As part of their research, students should interview workers in those offices as well as consulting library references. (If time permits, you might want to schedule a field trip to a local office within the bureaucracy.) Students should find out the primary goals of the bureau/agency and how it meets its objectives. Examples should be specific. (For example, what goes into getting a city street paved or repaired? How does the state employment office process an application for unemployment compensation? What procedure is used to process a claim for Medicare? How are cars registered in your state?) They should also ask more general questions. How many people does the agency employ? What are some of the job titles of employees in those offices? How does that department contribute to the community? What are the greatest challenges for the department/agency?

After research is completed, one person from each group should present the findings to the class in a five-minute speech. After presentations are finished, conduct a class discussion about the government offices they researched. Which topics interested students most? Why? Have their impressions of "government work" changed? Why or why not?

2 As a homework assignment, ask students to read the article by Vice President Al Gore, Jr., "Creating Better, More Efficient Government." When class reconvenes, hold a discussion about the reading. Based on students' findings in activity 1, do they agree with Mr. Gore that the federal bureaucracy needs to be streamlined? Why or why not? Should government agencies adopt measures to enhance their "customer service?" Why or why not? In what ways is the bureaucracy like a business or company? How is it unlike a business?

Next, have the class investigate the bureaucracy within their school or school district. Ask each student to choose a specific topic—such as how curriculum guidelines are decided, how textbooks are adopted or approved, how a new competitive sport is established, or how the student government makes decisions about student activities. They can find out about these topics by interviewing teachers, administrators, school board members, student government leaders, and other school resources. (Alternately, you could invite a representative from one of these groups to address the class about these questions.) In their interviews, students should learn not only how these tasks must be carried out, but also whether or not the interviewee approves of the procedures. Could they be made more efficient? Would interviewees prefer greater latitude in finding creative solutions to their problems?

Finally, in a two- or three-page paper, students should summarize their interviews and state their own opinions about the school bureaucracy. Do they think the procedures they learned about are valuable? Could they be made more efficient? In conclusion, class members should compare and contrast school bureaucracy with the federal bureaucracy. What are the strengths and weaknesses of each? How are their missions similar or different?

3 Tell students that people disagree about how best to run the government bureaucracy. Some argue that federal laws and agencies are needed to ensure the safety and well-being of citizens. Meanwhile, critics counter that the federal government spends too much money on programs that actually hurt the economy. They think that certain laws make it harder for businesses to make profits and end up costing consumers more money. For example, environmental laws or regulations often cause bitter controversy.

As a prereading activity, distribute copies of **Student Handout 11—Comparing Views on Environmental Regulation.** Ask students to consider each quotation on the handout and anticipate the views of the author. Class members should check the column that they think best describes the viewpoint illustrated by the quotation.

Then, have students read "Environmental Regulation: Two Views." As they read the articles, they should look for the quotations that appear on the handout. Were their assumptions correct about the quotations? How are the two articles different? Alike? With which article do students agree? Why? Why is it important to consider different perspectives on a subject?

Finally, have the class investigate a local environmental concern. Such concerns could include air and water pollution, landfills, chemical runoff, industrial pollution, and so forth. Which local, state, or federal agencies are responsible for overseeing the problem? Is that agency trying to solve the issue? If so, is it doing a good job? Is the environmental problem caused by business interests? Careless or uninformed citizens? Natural forces? How might the problem be resolved? Through greater government regulation? Less government regulation? A partnership between government, citizens, and businesses? As students find answers to these questions, have each write a letter to the editor of the school or local newspaper about the environmental issue and his or her solution.

ENRICHMENT ACTIVITIES

1 Ask students to create an advertisement for a federal agency or bureau that describes recent improvements in that organization. Their advertisements can be made for print, radio, or television (that is, either in poster format or a script and skit presentation). Their ad must be factual, so students will have to research the bureau or agency first. They can use examples provided in Vice President Gore's article or the case study about the ATF as a starting point, but they also will need to consult other sources. Urge them to find Web sites on the Internet for the agency or bureau they are studying. Tell students to be creative in their advertising slogans, sound effects (if radio or TV), and visual presentations.

2 Tell students to draw an editorial cartoon expressing their views about federal regulation and the environment. Then, post them on the bulletin board and hold a class discussion about the cartoons and student opinions on the issue.

3 Ask students to develop a questionnaire to measure public attitudes toward the bureaucracy. Each student should interview three to five people; the class should then compile the results. Ask students to generalize about the bureaucracy as well as the effectiveness of their survey. Some students may want to write a story for the school newspaper based on the results of the survey.

4 Divide the class into two groups and explain that they will debate the following topic.

The U.S. Department of Education should be dismantled.

After students have researched the pros and cons of the proposal, follow the directions in the "To the Teacher" section at the front of this book for details about organizing classroom debates.

CASE STUDY

THE ATF: TODAY'S "UNTOUCHABLES" UNDER FIRE

STUDENT ACTIVITIES

1 Students should read "The ATF: Today's 'Untouchables' Under Fire" before beginning the following activity. You may want students to work individually, in pairs, or in small groups to decide their strategy in reacting to the hypothetical scenario on **Student Handout 12—What Would You Do?** Give a copy of the handout to each student and give them adequate time to read and decide what course of action they would take. Students should write a paragraph justifying their decisions.

After everyone has finished, ask individuals or group spokespersons to tell the class how they would handle the situation. Conclude with a discussion about the events in Waco, Texas, and what ATF officials might have done differently.

2 Organize three role-playing activities focusing on Waco, Ruby Ridge, and the Good Ol' Boys Roundup. Each role-play will be made up of a congressional subcommittee of any size that suits your situation along with various principals in each of the three incidents. Each subcommittee is holding special hearings to determine what went wrong at each event, who was at fault, and what might have been done differently.

Witnesses testifying at the Waco hearing will be:

- Wayne LaPierre—executive vice president of the NRA
- the lead ATF agent who organized the first assault on the Branch Davidian compound
- a survivor from the Branch Davidian compound
- an ATF agent who was wounded in the first assault
- U.S. Attorney General Janet Reno

Witnesses testifying at the Ruby Ridge hearing will be:

- Wayne LaPierre
- Randy Weaver
- the ATF agent who bought the sawed-off shotguns from Weaver
- FBI Director Louis Freeh

Witnesses testifying at the Good Ol' Boys Roundup hearing will be:

- John Magaw—director of the ATF
- an African-American ATF agent stationed in Tennessee
- an ATF agent who helped organize the Roundup

Give all participants enough time to prepare their testimony and questions. They should use information in the case study as well as any other information that might be available to them. Each congressional committee should choose a chairperson to lead the hearing. At the beginning of each hearing, each witness will be asked to read a one-minute (or shorter) statement regarding the incident or opinions about the incident. After each has read his or her statement, members of the committee should direct questions and comments to the individuals. After a specific length of time, the congressional committee should meet for five minutes to prepare a statement of their findings and conclusions. A member of the committee should read this statement to the class.

Conclude each role-play with a brief class discussion of the incident, the testimony, and the findings.

ENRICHMENT ACTIVITIES

1 The Bureau of Alcohol, Tobacco, and Firearms is only one of many law enforcement agencies in the U.S. government. Choose a small group of students to find the names and addresses of the other federal law enforcement bodies. Then, assign other small groups the task of gathering information on one agency and reporting their findings to the class. Each group should report such information as: the task and objectives of their law enforcement body, its parent department or agency, the number of employees, any famous historical actions, and so forth.

2 The issues of gun control and the Second Amendment play big roles in the criticism leveled at the Bureau of Alcohol, Tobacco, and Firearms. The leading advocate for gun owner's rights in the United States is the National Rifle Association. One leading proponent of stricter gun control is Handgun Control, Inc. Have students contact each of these organizations and gather information regarding their goals, objectives, and tactics. Write the following addresses on the board to help them obtain information.

National Rifle Association
11250 Waples Mill Road
Fairfax, VA 22030

Handgun Control, Inc.
1225 Eye Street, NW
Washington, DC 20005

After students gather their information, lead a discussion about the way the material is presented by each organization. Pin the materials to a bulletin board for everyone to see.

3 One of the chief functions of the ATF is to enforce federal gun laws. Such laws include the National Firearms Act of 1934, the Gun Control Act of 1968, and the Handgun Control Act of 1993 (the Brady Law). Ask interested students to gather information on these and other federal gun laws and present their findings to the class. They can gather much of the necessary information by writing:

The Bureau of Alcohol, Tobacco, and Firearms
650 Massachusetts Avenue, NW
Washington, DC 20226

4 Organize classroom debates on the following statements.

- *Federal gun control laws should be eliminated.*
- *All firearms should be banned.*

Allow debaters time to research their topics. Before beginning debates, select a timekeeper and a moderator to keep the debates orderly and to keep them moving. You may also want to select a panel of judges or simply poll the entire class at the end of each debate to determine a "winner." The affirmative, or pro side, should go first for a set length of time followed by the negative, or con side, for the same length of time. Then allow each side two to three minutes for rebuttal. After a "winner" has been determined, briefly discuss the strengths and weaknesses of the arguments.

5 There are probably federal "bureaucrats" working in your city or community. Examples would be postal employees, civilian workers on military bases, Department of Agriculture agents and inspectors, FBI agents, federal judges and attorneys, air traffic controllers, and so forth. Have a group of students research the various kinds of federal employees that work nearby and then invite several to speak to your class. Speakers should talk about what they do, how they got their jobs, their rewards and/or disappointments, and the like.

CHAPTER 5

THE JUDICIARY

OBJECTIVES

After completing the activities for chapter 5, students will be able to:

- explain the value of an independent judiciary
- discuss the effect of women on the judiciary
- understand how the Supreme Court chooses to hear certain cases
- evaluate two methods of interpreting the Constitution
- describe trends in the current U.S. capital punishment system

KEY TERMS

activist judges
adversarial
aggravating circumstances
appeals
appellate courts
capital punishment
certiorari
cruel and unusual punishment
cult of domesticity
habeas corpus appeal
judicial discretion
judicial independence
litigant
Madisonian dilemma
mitigating circumstances
moral abstention
new feminism
philosophy of original intent
prosecutors
public defenders
restrained jurists
strict constructionism

MOTIVATOR

Write the following statement on the board.

> *We the people of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense . . .*
>
> —Preamble to the Constitution of the United States

The concept of equal justice under the law has been a basic principle of the United States since the country's founding. Have students work in groups of three or four to determine what they think the nation's founders meant by the phrase "establish Justice" in the preamble. Each group should develop its own definition.

Next, have the groups share their definitions in a class discussion, comparing and contrasting ideas. Prompt students with questions such as: What is your concept of justice, based on personal experience, previous readings, and the media? Does justice mean the same to all people all the time? For example, has the concept of justice changed from 1787 to the present? How might a person's gender, race, or income affect his or her definition of justice? Do people in our country define justice differently than people in other countries? Do you think "equal justice under the law" exists in the United States today? Why or why not?

Try to arrive at a consensus on a class definition of justice and post it on the board. You may wish to repeat this activity later to see if your students' definition changes after they have participated in several of the following activities.

STUDENT ACTIVITIES

1

Students should first read Chief Justice William H. Rehnquist's article, "The Independence of the Judiciary." Discuss with them their interpretations of the article. Do they agree with Rehnquist's assertion that an independent judiciary is "one of the crown jewels" of our governmental system? Why or why not? What check does an independent judiciary provide on the power of Congress? What are the advantages of having judges who are appointed for life? What are the disadvantages?

Next, divide students into groups of three or four. Each group should select a country that does not have an independent judiciary. You might suggest certain nations in Africa, East Asia, or the Middle East. As a homework assignment, have the groups research the state of "justice" in their chosen country. They should find out what body controls the courts as well as the rights of people accused of crimes. Who decides a suspect's innocence or guilt? Who decides the sentences? Ask students to compare and contrast their findings with the U.S. judicial system as described by Chief Justice Rehnquist. Tell each group to select a spokesperson who will present their information to the class. Conduct a discussion after each presentation, asking the class to evaluate pros and cons of each system. After the presentations, ask students to reconsider the concept of an independent judiciary. How does such a concept contribute to freedom in the United States? Do they think it is a good system? Why or why not?

2 Ask students to hand in a slip of paper on which they have indicated what they want to do when they finish high school or college. List their vocational aspirations on the board. Do any students anticipate difficulty entering these careers based on their gender, race, or religion? Then explain that if the female students in your class had lived 100 years ago, or even 50 years ago, they probably would not have been able to pursue many of the careers listed on the board.

Next, have the class read "Portia's Progress: Women and the Law" by Justice Sandra Day O'Connor. In this article, Justice O'Connor describes the prejudices women have faced in trying to enter the legal profession. To provide background to O'Connor's piece, students should read the "Women in America" section (pages 36-8) of the case study "The ERA: Almost an Amendment." Another source for background information is Patricia Ireland's article in chapter 1, "Women's Equality and the Constitution" (pages 23-4). What kinds of stereotypes about women led to discrimination in voting rights and the workplace? Do students think these prejudices have been overcome today? Why or why not? O'Connor believes that a "new" feminism threatens to reduce many of the advances women have made toward equality in the last couple of decades. What is "new" feminism? (O'Connor's reference to "new" feminism is based on the "different voice" theory. Carol Gilligan, author of the book *In a Different Voice: Psychological Theory and Women's Development*, argues that men and women are morally different, though one is not superior to the other.) O'Connor finds this view threatening because it could lead to recasting jobs and professions into "women's work" and "men's work." She believes men and women will come to the same decisions on the Court bench. Do students agree with O'Connor on this point?

Go on to explain that since Justice O'Connor's appointment in 1981, another woman, Ruth Bader Ginsburg, was appointed to the Supreme Court (in 1993). Justice Ginsburg also faced discrimination early in her legal career, and in the 1970s she worked as a lawyer with the American Civil Liberties Union (ACLU). As a leader of the Women's Rights Project of the ACLU, Ginsburg argued six cases for women's rights before the Supreme Court. Between 1980 and 1993, Ruth Bader Ginsburg was a federal circuit court judge in Washington, D.C. In her speech acknowledging her Supreme Court nomination, Judge Ginsburg said, "I have a last 'thank you.' It is to my mother, Celia Amster Bader, the bravest and strongest person I have known. . . . I pray that I may be all that she would have been, had she lived in an age when women could aspire and achieve, and daughters are cherished as much as sons." Do students think this is a "feminist" viewpoint? A "new" feminist statement? Do they think equality and feminism are the same? Can students name other professions that were once male dominated? That are still male dominated?

Finally, to extend this activity, have students research a woman or man who has helped to promote gender equality. The subject could be a woman who was successful in a "man's" field (or vice versa) or an activist. Students should write a three- to five-page biography summarizing their findings and describing their subject's views on gender roles. Would the person be described as a feminist? A "new" feminist? Some other term? Have students read their essays aloud in class as time allows.

3 Have the class read "The Supreme Court: Deciding What to Decide" by Phillip L. Spector, and ask them to look for the criteria that Supreme Court justices use to select cases. Then distribute **Student Handout 13—Will They Hear This Case?**, and have students work individually or in small groups. Discuss their responses. What do they think is the most important criterion for the Court to use? Why? Are there other criteria besides the ones Spector mentions that the Court should use? Does the Court's "decision to decide" affect public policy? Can they give examples?

Answers to Student Handout 13: case A–5, 6 case C–5, 6 case E–5, 6 case G–1, 5, 6
case B–5, 6 case D–4 case F–3 case H–2

4 Give your class a short quiz to determine how well they understand the Constitution. Students will work individually and write answers on their own paper. Read aloud or write on the board the following questions, and tell students to choose the best answer.

1. The right to freedom of speech means:
   a. freedom to talk about whatever one wants
   b. freedom to talk, write, appear, and behave as one wants
2. The right to "due process" of the law means:
   a. the government must apply the laws fairly in the manner that the framers of the Constitution intended
   b. the government must apply the laws fairly by today's standards

Note: There are no absolutely correct answers; they are up for interpretation. That is one reason why interpreting the Constitution is so difficult.

Call on students to share their answers. Why did they choose their answers? Was one question harder to interpret than the other? Should a person interpret the Constitution by strictly reading the words, or by also reading between the lines and interpreting meanings? Why?

Explain that there are generally two schools of thought on interpreting the Constitution. One is strict constructionism (also described as original intent or judicial restraint), for which Robert Bork argues in his article. The other is the notion of a living Constitution (some scholars refer to it as interpretativism or judicial activism), advocated by Laurence Tribe. Have students read "How Judges Should Interpret the Constitution: Two Views," and highlight key arguments for each view to be used in the next part of this activity.

Next, divide students into groups of three or four and distribute **Student Handout 14—Interpreting the Constitution.** Group members should work together to complete the handout and come to a consensus on the best approach to interpreting the Constitution. They should be prepared to defend their opinions using examples from actual cases, current events, and the articles.

Reconvene the class and discuss student responses. Did group members easily agree on the best approach? Does the whole class agree? Why did they choose as they did? Are there dangers in interpreting the Constitution too strictly or too loosely?

ENRICHMENT ACTIVITIES

1 Have students clip articles pertaining to the Supreme Court, or conduct research into a recent Court session. Ask them if they can use evidence from their research to make any generalizations about the cases the Supreme Court decided to hear or about the impact of its decisions.

2 Invite a judge or judicial expert to speak to the class about differences between a conservative and a liberal Supreme Court. See if students can determine what kind of Supreme Court William Rehnquist leads from his article and from recent Court decisions. Can the Court be truly independent if it shifts between conservative and liberal interpretations of the law? Why or why not?

3 Arrange for your class to observe a trial in a local courtroom, preferably a case using a public defender. If possible, arrange a question-and-answer session with the judge or lawyers after the session. Ask them what the concept of "equal justice under the law" means to them and what importance they place on the public defense system in striving for "equal justice."

CASE STUDY CAPITAL PUNISHMENT IN AMERICA

STUDENT ACTIVITIES

1 Before students read the case study "Capital Punishment in America," tell them that this lesson will address the death penalty. Give students background information on the subject. For example, the United States has executed certain kinds of criminals almost continually since the country's founding, but the courts generally reserve the death penalty for violent crimes. Point out that most Western countries have repealed their capital punishment laws. This introductory activity will help students articulate their opinions at the outset of this lesson.

Divide the class into groups of four or five (or whatever number best suits your class), and give each group ten minutes to informally discuss the issue of capital punishment. At the end of the allotted time, ask students to talk about what was said in their group meetings. Was there consensus among group members? What were students' reasons for supporting or opposing capital punishment? Did some students get emotional during their debates? If so, what caused those responses?

Conclude by explaining that the death penalty often evokes heated discussions because many people view it as a moral or religious question. This case study and succeeding activities will provide more facts that students can use to formulate their own opinions on this contentious issue. Make sure students have read the case study before moving to the next activities.

2 As a homework assignment, ask students to research the death penalty in their state. Working either in groups or individually, students should answer the following questions. Is violent crime a problem in their community? Their state? Does their state have laws that allow capital punishment? If so, what method(s) of execution does the state use? When was the last time someone was put to death? Are there any convicts awaiting execution? If so, how many? How long, on average, have they been waiting on death row? How much of the state supreme court's time is spent reviewing capital cases? If capital punishment is not allowed in the state, have students investigate whether there is a movement to institute the death penalty. Would they support such a measure?

A good source for some of the information is the Death Penalty Information Center. (Their address is 1606 Twentieth Street, NW, Washington, DC 20009. Their phone number is 202-347-2531.) The state attorney general's office or bureau of prisons may also be able to supply the needed information.

Ask each student or one member from each group to present their findings to the class. After presentations have been completed, conduct a class discussion about the death penalty where they live. Do they support their state's law regarding capital punishment? Why or why not? If their state does have the death penalty, do they support the methods of execution used? Do students think that it takes too long to carry out a death sentence? Do they think that limiting appeals will help matters? Why or why not?

Point out cases such as that of Clarence Brandley, who, after serving ten years on death row in Texas, was found innocent and released. Someone else was found guilty of the murder. Do students think it is worth risking the execution of an innocent person to hasten the procedures for capital punishment? Why or why not? Do they think it deters crime?

After class members have read the case study and conducted their research, ask them if their opinions about the death penalty have changed from opinions at the end of activity 1. Why or why not?

3 Show the class the film *Dead Man Walking* (1995), which tells the story of a nun, Sister Helen Prejean (played by Susan Sarandon), who becomes a spiritual adviser to a death row prisoner (played by Sean Penn). The movie provides insight into the predicaments of the convict, the nun, and the victims' parents. After viewing the film, ask students to explain which issues the movie highlighted. What issues does the film leave out? Did *Dead Man Walking* cause any students to further rethink their opinions about capital punishment?

Teacher note: You might wish to preview the film before showing it to your class and clear its showing with your school's administration.

4 Point out that even Supreme Court justices hold differing opinions about the death penalty. Have the class reread "The Supreme Court Debates the Death Penalty" on page 155. (You might ask students to read paragraphs aloud.) Then, instruct students to write a short summary of each of the justice's views—just a few sentences for each argument. When reading and summaries are finished, tell students to share their summaries with the class. You might want to interject questions.

For example, why did Justice Blackmun decide not to support the death penalty? On what constitutional grounds did Justice Scalia disagree with Justice Blackmun? With whom does each student agree? Regarding capital punishment, how does the Court's "jurisprudence" raise questions that seem to contradict the words of the Constitution? Is there a way to solve these contradictions and remain in support of capital punishment, as Justice Scalia asserts? What do students think is more important—literal interpretations of the Constitution's words or interpretations of the Constitution's spirit within today's society? To elaborate on this argument, have students read "How Judges Should Interpret the Constitution: Two Views" by Robert Bork and Laurence Tribe. Using these articles and the Supreme Court justices' views, have two groups of students debate the following statement.

> *The constitutional text is not enough—we need to search for and explain our selection of the principles behind the words.*

See suggestions for conducting debates in the "To the Teacher" section near the front of this guide.

ENRICHMENT ACTIVITIES

1 By the end of 1996, the outcome of Joseph Spaziano's case was undecided. Have students research recent events in this Florida capital case. Has there been a final decision? Why or why not? What do these research findings illustrate about the death penalty in the United States?

2 Conduct a classroom poll about the death penalty. Write the following questions on the board.

- Do you support the death penalty?
- Does the death penalty deter crime?
- Is the death penalty carried out fairly?
- Does the death penalty cost too much money?
- Is it "cruel and unusual punishment" to keep innocent people on death row for years?

Next to the questions, create three columns headed "yes," "no," and "undecided." Have students raise their hands after each question in response to the three options. Tally the results of each question.

Then have students survey adults in their community about the death penalty. Distribute copies of **Student Handout 15—Death Penalty Survey**. Each student should ask five people the same five questions used in the classroom poll. They should read from the handout, so they are sure to ask all respondents identical questions. There are spaces for them to track their results on the handout. Students may need a few days to complete the assignment.

When students have finished their poll, have them report their findings to the class. Add up the totals of all students' surveys on the board. What percentage of respondents said "yes," "no," or "undecided" to each question?

Did the opinions of adults in the community mirror the opinions of your students? Did the results mirror national polls on the death penalty? Are there death penalty laws in your state? If so, did students and adults support the death penalty? Why or why not?

3 Ask students to examine the pie chart on page 152, "Death Row Prisoners." Do they notice anything curious or disturbing? Point out that the percentage of African Americans on death row is higher than the percent of African Americans in the U.S. population overall. How do they account for this inconsistency? Tell them that many death penalty critics argue that an African-American defendant is more likely to receive a death sentence than a white defendant. Some critics cite that killers of white victims are more likely to face the death penalty than killers of black victims. Many death penalty opponents believe such statistics reveal an inherent discrimination in the current capital punishment system. Do students agree?

Other experts counter that poverty—not race per se—is the deciding factor in who faces the executioner. They believe that because poverty is more prevalent among African Americans, this might also explain why the death row population has a greater percentage of African Americans than the overall population. Do students believe this assertion is true? Why or why not? If so, do they think justice is served when a disproportionate number of poor people face a death sentence?

Supporters of the death penalty sometimes assert that violent crime happens more often in minority neighborhoods, and that is why more African Americans wait on death row. Do students believe that this causal relationship could be true? Why or why not? After students have considered these viewpoints, ask them whether or not they believe the death penalty is applied fairly in the United States. Ask each student to support their position. If they think it is imposed unfairly, do they have any suggestions on how to improve the situation?

As a follow-up activity, ask students to find out how many women have been executed since the death penalty was reinstated in 1977. How many women are on death row today? How do they account for their findings?

4 Have the class research the historic Supreme Court cases involving Warren McCleskey [*McCleskey v. Kemp* (page 150 in *Perspectives*) and *McCleskey v. Zant* (page 151)]. How did the Court rule in McCleskey's case in which he argued that racial discrimination played a part in imposing the death penalty? How did the Court rule when Warren McCleskey tried to introduce new evidence that raised doubt about his guilt? Do students think it is fair to allow defendants only one habeas corpus petition? Should defendants be penalized for the procedural faults of their lawyers? What was the outcome of McCleskey's last appeal? How did Warren McCleskey's cases make judicial history twice?

In answering these questions, students should prepare a brief oral presentation to the class. After all the presentations are complete, have two groups debate the following statement.

> *People aren't sentenced [to death] for committing the worst crimes; they receive the death penalty for having the worst lawyers.*

CHAPTER 6

THE MEDIA

OBJECTIVES

After completing the activities for chapter 6, students will be able to:

- explain the value of a free press to a democratic system of government
- discern bias in various news sources
- understand the importance of including minority voices in the news media
- evaluate the usefulness and shortcomings of the Internet
- analyze the effect of television on presidential election campaigns

KEY TERMS

bias
the "daisy spot"
direct democracy
electronic republic
fireside chats
free press
"information age" presidential campaign
mainstream journalism
majoritarian
negative campaigning
party bosses
party convention
populist
primary election
provocative
representative government
sound bite
tabloids
talk radio
telecommunications media
televised debate
unmediated messages

MOTIVATOR

Bring a variety of newspapers and news magazines to class. If possible, also tune in to or tape radio and television newscasts. If you have a computer in your classroom and access to the Internet, bookmark news-related sites for students to visit. Set up different stations around the room and ask students to read or listen to each. They should list three topics being given priority by each medium that day.

Then, in a class discussion, see if students can agree on the media's news priorities. Why are these topics featured in the day's news? Can students identify other issues that are not receiving as much attention but are still important? How do different sources treat similar issues? Do different sources focus on different issues? If so, why? Why do some issues receive attention while others do not?

Finally, ask the class how informed they think they are about current events. Do they trust the media to keep them well informed? How much power do they think the media have?

STUDENT ACTIVITIES

1

Write the text of the First Amendment to the Constitution on the board.

> *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.*

Ask students to brainstorm what they think "freedom of the press" means in this context, and write their replies on the board. After you have compiled a list of answers, explain that freedom of the press applies not only to the printed word, but also to mass media. However, the Supreme Court has ruled that there are limitations to that freedom. (For example, print media are given more protection than television, films, and radio under the First Amendment. In addition, under certain extraordinary circumstances, the Supreme Court has upheld that the government may censor or restrain a work before it is published.) Point out that the First Amendment contains many rights that experts consider central to a democracy.

Then circulate copies of **Student Handout 16—Understanding Marvin Kalb's Opinions.** Tell students to complete the questions on the handout as they read Kalb's article, "The Value of a Free Press." Once that task is finished (perhaps as a homework assignment), conduct a class discussion about the questions on the handout. After Kalb's opinions are fully understood and explained, ask class members if they can imagine a situation in which the media should be restrained. For example, do they think some reporting should be limited when the country is at war? When there are riots in cities across the nation? When the economy is about to fall into a depression?

To expand this activity, have students look for opinion articles or letters to the editor that support some form of press restraint. They might find examples from other governments that exert control over their media, and explain their reasons. Based on their research, have them write a one-page rebuttal of Kalb's arguments.

After their papers are finished and some have been read aloud, discuss their findings. Was it hard to find editorials that supported limiting "press" freedom? Why or why not? Did they have difficulty opposing Kalb's arguments? Why or why not?

2 Circulate copies of **Student Handout 17—Evaluating Television News.** Then, as a homework assignment, ask students to watch two television news programs—one local and one national, and tell them to complete the chart as they watch the news programs. They should list the topics discussed in the headline stories, the format of presentations, and what kinds of visuals were used.

The next day, have students share their observations with the class. What kinds of news reports did the local TV station consider newsworthy? The national news program? What are the similarities and differences between the two newscasts? Are there other kinds of stories students would have preferred to hear or thought were more important? If so, what?

Then assign students James Fallows's article, "How the Media Undermine Democracy." What faults does Mr. Fallows find with today's media? Based on their homework assignment, do students agree with him? Why or why not?

To expand this activity, ask students to continue their observations of television news, newspapers, magazines, and other news sources for a few weeks and then write a one-page letter to the editor explaining their views on today's media.

3 Ask class members if they or their family members listen to talk radio. Do they listen because it is entertaining? Informative? Instructive? What is their opinion of talk radio? What purpose does it serve?

Students should read "Talk Radio and the Public Dialogue" by Diane Rehm. As they read, tell them to take notes of her opinions and examples. Do they agree with Ms. Rehm? Why is radio a "volatile" medium?

Tell students to listen to a radio talk show for several days. Again they should make notes about what topics were discussed and the opinions of the host or guests on those topics. Would students classify those opinions as liberal, conservative, or moderate?

After class members get to know the opinions and style of a particular show or host, have each student find four newspaper stories that interest them and write a five-minute script about those topics for the program/host of their choice. As they write their scripts, it might be helpful to consider the following questions: How would the talk show personality respond to each topic? What bias, if any, would the host impose? What jokes or stories might he or she tell to illustrate points?

Finally, divide class members into groups of three or four. Individuals in the group should share their scripts, and group members should pick one script they like best. Then, individuals in each group should volunteer to play specific roles within the script. After allowing them about fifteen minutes to practice their dialogue, ask each group to act out its radio show in front of the class.

4 Have students read the article "The News Media, Minorities, and Community Understanding" by Steve Montiel in preparation for a class discussion. Do students think that race relations in the United States need improvement? If so, have students point out recent events in the school, community, or country that illustrate that point. Do students believe that minority viewpoints in the mass media will contribute toward better race relations? Why or why not? What events in 1967 led up to the investigations by the Kerner Commission? What did the commission reveal?

Next, write the following quotation from the Kerner Commission Report on the board.

> *"Our . . . fundamental criticism is that the news media have failed to analyze and report adequately on racial problems in the United States. . . . The media report and write from the standpoint of a white man's world."*

The students' assignment is to conduct research to find out if this statement remains true today. Have them investigate a news program on a local television station. Ask them to watch the program for three consecutive days and note the racial composition of anchor people and field reporters. How many were white? African American? Hispanic? Asian American? Another minority? In addition, tell them to pay attention to the stories the newscast covers. Are any of them about race relations? If so, which reporter covers those stories? Do some reports play into racial stereotypes? If so, which ones? Do some stories go against stereotypical images? If so, list a few examples. Then, in a one-page paper, each student should report his or her findings.

5 Poll students to find out how many of them have televisions in their homes. How many have cable television? Personal computers? Modems? Internet service providers? Do they think they are better informed because of these technologies? More empowered? Closer to their state and federal governments? Why or why not?

Have class members read "The Electronic Republic" by Lawrence K. Grossman. Then discuss his opinions. What characterizes the "electronic republic"? How does it encourage direct democracy? Do students agree with Grossman's arguments? Why or why not?

If your school or local public library system has Internet access, have students research government-related sites on the World Wide Web. There might be a site for your city or state government. The federal government has many sites, especially for departments and agencies within the executive branch. The Close Up Foundation maintains a site on the World Wide Web at *http://www.closeup.org.*

The Close Up site can serve as a springboard to other civic education sites by using the Civics Hot Links, which take students to Web pages sponsored by many different government agencies, bureaus, and private organizations. Students might also want to find sites related to news-gathering organizations, political campaigns, and lobbyists or activists. (For example, several environmental groups, such as World Wildlife Fund and National Wildlife Federation, maintain Web sites.)

As students explore the "information superhighway," have them complete **Student Handout 18—The World Wide Web and Democracy.** After research and handouts are finished, conduct a class discussion about the students' experiences. How is information on the Internet different from other sources? How is it the same? Do they think information is more in-depth on the Web than other sources? Were specific sources of information easy to find? Are Web-based sources better or worse organized than other resources? Are they more or less reliable? Factual?

Finally, have students write letters to the editor of the school or local newspaper about the educational value of the World Wide Web. Would they like to have better access to such resources in their school? In their public libraries?

ENRICHMENT ACTIVITIES

1 Discuss media controversies, such as whether the press should publicize the name of a rape victim in a trial involving a celebrity, or whether television cameras should be allowed in the courtroom during high-profile trials. Should names of juveniles arrested or convicted for serious crimes be published? Does the public have the right to know personal information about public figures? Students might want to debate the following statement.

> *The public has a right to know about the personal lives of political candidates.*

See the section on "Debate" in "To the Teacher" at the front of this guide to learn more about conducting debates.

2 Have students research Supreme Court cases dealing with freedom of the press (for example, *Near v. Minnesota*, *The New York Times v. The United States*, *Nebraska Press Association v. Stuart*, and *Snepp v. United States*). Then discuss their findings. Has the right been expanded or limited? What overall trends appear?

3 Ask class members to look at old newspapers in a school, city, or college library. What role did newspapers play in recording a "first rough draft of history." How are they different from today's newspapers? How are they the same? What would students predict as the role of newspapers in the future? Will they be made obsolete in the "information age"?

4 Ask students to draw editorial cartoons relating to a national, state, local, or school issue. Stress that artistry is not as important as the message. After they finish, students should write a paragraph on how they decided on the topics of their cartoons. Post the cartoons on a bulletin board in your classroom.

CASE STUDY

TELEVISION AND MODERN PRESIDENTIAL CAMPAIGNS

STUDENT ACTIVITIES

1 Ask students to read "Television and Modern Presidential Campaigns" in *Perspectives* as a homework assignment. At the same time, pass out copies of **Student Handout 19—Questions to Consider.** Tell students they should complete the handout after they have read the case study.

In class the next day, have students read aloud their answers to the questions on the handout. Then begin a discussion about the 1996 presidential election. Ask class members to brainstorm images from the campaign that they remember seeing on television. Write their answers on the board. Ask students how these images affected their opinion of the individual candidates and the election process as a whole.

Next, divide the class into groups of four or five. Tell students that each group is going to represent a congressional oversight committee on presidential elections. Each group should assign one student to record his or her group's responses to the following questions.

- List three ways in which television has had a positive effect on the election process.
- List three ways in which television has had a negative effect on the election process.
- Identify and describe three solutions to these problems. Be creative!

Allow students twenty minutes to complete their work. Then, each group should present its report to the class. After all groups have presented, the class should choose three of the proposed solutions to be included in a committee report. You may want to mediate the discussion by writing the proposed solutions on the board and crossing them off as choices are eliminated.

When the top three solutions have been identified, ask two or three students to write a letter summarizing the findings of the committee. Letters should be directed to the school paper or to their representative and senators.

2 Distribute **Student Handout 20—Candidate Biographies.** Tell students that they will be participating in a mock presidential election campaign. The candidates running for president are listed on the handout. Divide the class into three groups. For a homework project, the groups will create a political campaign commercial for a fictional presidential candidate. Place three slips of paper marked "Candidate 1," "Candidate 2," and "Candidate 3" in a cup. Another cup should contain papers marked "radio," "print," and "television." A representative from each group should pick one slip from each cup.

Tell students that their commercial should explain why their candidate is qualified to be president and what makes him or her more qualified than the rest of the field. Students may be as creative as they wish, using costumes, drawings, photographs, or writing a campaign jingle or song. Each commercial should be *exactly* two minutes long. (The print ad should be read aloud and timed before being distributed to determine the proper length.)

Invite another class to attend the presentations of the commercials. The print ad should not be read aloud but photocopied and distributed to the class. After each group has presented its ad, allow the students from the visiting class to vote for president based on the ads or commercials. Do not allow the visiting students to see the biographies of the candidates or ask questions of the participants—their decisions should be based solely on the advertisements.

After the vote, count the ballots and announce the winner. Now, discuss the outcome of the "election." The following questions may help facilitate discussion.

- For those of you who voted, on what did you base your decision?
- Which elements of the commercials were most effective? Which were ineffective?
- Which medium was most effective: radio, print, or television? How was your decision affected by the media in which the ads were presented?
- [Distribute the biographies to the visiting class members.] Would you have voted differently if you had seen only the printed biographies?
- For those of you who created the commercials, what was most difficult about your task?

- What were some of the limitations of the medium you were asked to use? What were some of the benefits?
- What can we learn about real presidential elections from this experiment?

Encourage students to remember the lessons they learned from this activity during the next local or national election.

3 Conduct a classroom viewing activity to examine the effect of television on presidential debates. If possible, show videotape of the Kennedy-Nixon debate from 1960. Or, use a video of a more recent televised presidential or vice-presidential debate. After viewing, ask class members the following questions.

- Which candidate "won" the debate? Why?
- Which candidate came across better on television? Which came across as more knowledgeable on the issues?
- Did the physical appearances of the candidates sway your decision? What about delivery and mannerisms?
- Would your assessment of the debate have been different if you had only heard the candidates on radio? Only read the transcript of their debate?
- How could such debates be more effective? Would a different format be better? Should there be a tighter structure or should it be more freewheeling?

ENRICHMENT ACTIVITIES

1 For a homework assignment, ask students to find out how presidential campaigns were conducted before the age of television. They should choose one presidential election year prior to 1952 and examine how the candidates were able to get their messages across to the American public. Did incumbents have more of an advantage in either the radio or television era? How important were public appearances? Remind your class that prior to about 1930, when radio entered nearly every home, few Americans ever heard the voice of a president. Are there any past presidents who may not have been elected had they been forced to appear frequently on television? Students should write a one- or two-page essay and read it to the class.

2 Using the photographs on page 175 in *Perspectives*, ask students to conduct a poll on current reaction to the "daisy spot." After showing the series of pictures to survey respondents, students should explain the purpose of the advertisement and then ask the following questions: What do you think of this campaign commercial? If you had seen only this ad, whom would you have voted for? If this ad were shown today for a current candidate, what do you think the reaction would be? Is the fear of nuclear war as prominent today as it was in 1964? Can you think of any recent political advertisements that have generated similar controversy? Ask students to compile their results and publish them in the school paper.

3 Begin by writing the following political ads on the board or handing out copies in class.

- *I. M. Kleen brought hundreds of new businesses to his state when he was governor, creating thousands of high-paying jobs for his people. He has the same vision for putting America back to work. Governor Kleen knows how to improve the economy of America because he's done it before. Vote for Governor Kleen for a prosperous America.*
- *As governor, I. M. Kleen gave massive tax cuts to businesses to entice them to move to his state. This corporate welfare led to the loss of millions of dollars for the state treasury, yet only produced low-wage work in well-disguised sweatshops. While taking good care of his rich friends in corporate America, Kleen ignored the welfare of the common people in his state. Don't let him do the same thing to the whole nation. Vote for Senator Sparkle—an American who cares.*

Then, spend a few minutes reading through the ads with the class and discussing their messages. Which ad is positive? Which is negative? With a show of hands, ask students which ad would likely get their attention and sway their vote. Ask class members why they voted as they did.

Next, turn the discussion to negative vs. positive advertising. Tell them that while most Americans say they do not like negative ads, politicians continue to use them because they appear to work. Can they think of specific ads they remember from recent elections that were blatantly negative? Can they think of successful elected officials who used negative ads? What conclusions can students draw about the success or failure of negative campaign advertising when they see who does or does not get elected?

INTEREST GROUPS

OBJECTIVES

After conducting the activities for chapter 7, students will be able to:

- identify and describe how an interest group works
- discuss the role of interest groups in the political process
- evaluate issues raised by the growing influence of interest groups
- develop informed opinions on lobbying and its impact on the political process
- debate both sides of the issue of government regulation of tobacco products
- gather information about, and discuss community and student attitudes toward, the use of tobacco

KEY TERMS

antitrust
drug delivery device
factions
Food and Drug Administration (FDA)
gift ban
grassroots support
interest groups
lobbyists

political action committees (PACs)
revolving door
soft money
special interests
spending limits
surgeon general
testimonials

MOTIVATOR

Have students individually brainstorm a list of groups—formal or informal—to which they belong. Their lists might include such groups as family, neighborhood, sports teams, religious congregations, and the like. Write a number of their responses on the board. Then have students analyze their lists. Are they equally loyal to each group? If not, how would they rank them? Do the interests of some groups compete with the interests of others?

Now ask students to name some organized interest groups that attempt to influence the political process. Explain that people who belong to organized interest groups are drawn together for the same reasons that students are drawn to teams, clubs, and groups of friends—they share common interests and goals about a particular issue, activity, or belief. And just like the groups to which students belong, these interest groups often have members who support other organizations with competing interests. Point out that interest groups, both formal and informal, are a powerful force in the American democracy, sometimes determining the fate of legislation and the outcome of elections.

STUDENT ACTIVITIES

1 Ask students to read "Political Action Committees: Two Views" by Ann McBride and Thomas Berglund for a homework assignment. At the same time, distribute copies of **Student Handout 21—Questions to Consider** and ask students to complete it after they have read the articles. At the next class meeting, hold a discussion about PACs and the political process. Divide the board into two columns with one marked "positive" and the other "negative." Then, ask students to brainstorm some of the positive and negative effects of PACs. They may draw ideas from these two articles as well as from their knowledge of current political affairs. Conclude the discussion by asking students to assess the overall worth of PACs and how the role of PACs in the political process could be improved.

2 Students should read "The Secret to Effective Lobbying" by James Jay Baker and "A Senator Looks at Special Interests and Lobbying" by Senator Russell Feingold. Then, ask them to give their opinions on the lobbying tactics used by interest groups such as the NRA. Do students think the NRA fairly or unfairly attempts to influence lawmakers on the issue of gun control? What makes a tactic used by an interest group "fair" or "unfair"?

For a homework assignment, ask class members to research what success, if any, the NRA has had on gun control proposals that have come before Congress or your own state legislature. Students should gather news articles on the NRA's efforts to oppose legislation such as the Brady Bill or the assault weapons ban. For more information, students may want to contact the NRA directly at:

National Rifle Association
11250 Waples Mill Rd.
Fairfax, VA 22030
www.nra.org

Students should also attempt to find out how their own representative and senators in Congress voted on these issues and whether or not the NRA influenced their votes. Ask them to write a one- to two-page essay to report their findings.

3 After students have read all of the articles in chapter 7 of *Perspectives*, ask individuals or groups to look into the tactics and successes of smaller or less prominent interest groups. How do their tactics compare with those used by the NRA? Do lobbying organizations with less money and fewer members have as much success as the NRA or the tobacco lobbies have had on Capitol Hill? Do all interest groups use grassroots lobbying techniques or do some groups rely on other tactics such as campaign donations or congressional testimony? Students should read newspaper and magazine articles about other interest groups or attempt to interview a representative of a lobbying group to gather more information. They should describe the results of their research in a mock newspaper story or television commentary. Have students read their stories aloud in class or present them to the school newspaper for publication.

4 After students have read all of the articles in chapter 7, organize debates on the role of interest groups in American democracy. Assign a small group of students to represent the "pro" side, and the same number to represent the "con" side of the following statement.

> *Interest groups enable ordinary citizens to be heard in Washington.*

Allow them fifteen minutes to develop their arguments. While debate teams are preparing, students who are not participating in the debate should formulate questions to ask the participants when the debate is over. Begin the debate by allowing each group five minutes to explain its position. The pro side goes first, followed by the con side. Next, allow the rest of the class to ask their questions. Be sure to end the debate with enough time left to vote on a winner and discuss the outcome.

In the discussion afterwards, ask students how they arrived at their opinion of interest groups. Were they swayed by the media image of interest groups, what they have learned in school, or only what they heard in the debate? Ask a few students to explain their opinions to the class.

ENRICHMENT ACTIVITIES

1 Have students develop a survey on community attitudes toward interest groups, lobbyists, and/or PACs. Each class member should survey at least five people, gathering information about each respondent's age and occupation. After students have compiled and combined their results, ask them to look for patterns among people in similar occupations or age groups and then make generalizations based on their results.

2 Invite speakers from interest groups to discuss strategies, successes, setbacks, and goals they have experienced while lobbying for their organization. In particular, ask the speakers to bring materials and anecdotes from their lobbying experiences. The lobbyists should discuss lobbying and the democratic process. Students should prepare questions in advance.

3 Have students write a one-page response to the following question.

> *If you had $500 to contribute to a political cause, how would you spend your money?*

They should decide individually how they would use their money—by contributing it to an individual, a PAC, lobbying group, and so forth. Ask several students to read their papers aloud. Discuss with the class any similarities or differences in the responses. Would students rather contribute to an individual or to an organized group? Would they contribute their money in one lump sum or divide it among different groups? Why? How would they find out about the variety of political groups and causes that exist? Would they follow up on how the individuals or groups used their contributions? Do students approve of political contributions in general?

4 Ask students to look into the history of the group Common Cause (described in Ann McBride's article "PACs Corrupt the System"). Why was it founded and what does it do? How do interest groups that lobby for a cause differ from those that represent an industry or constituency? Students may wish to gather information directly from Common Cause at:

Common Cause
2030 M St., NW, Suite 300
Washington, DC 20036

5 Ask students to look into the influence of PACs on a particular political campaign—preferably of local politicians. They should find out from campaign finance disclosures the amount PACs, individuals, and others contributed to that person's campaign. Can students find any evidence of these contributions affecting the candidate's point of view? Students can retrieve some of this information from the Federal Election Commission (FEC) at:

Federal Election Commission
999 E St., NW
Washington, DC 20463
www.fec.gov

As a follow-up assignment, invite a state legislator or a city council member to speak to your class on the issue of PACs and political contributions. Students should ask the visitor if interest groups are as influential at the local level as they are at the federal level and if they think the groups have too much or just enough influence over policymaking.

6 Have students draw political cartoons depicting their impressions of how interest groups influence members of Congress and the political process. Direct students to the political cartoon on page 193 in *Perspectives* to get them started. Students should first have a clear idea in mind and then create an interesting or humorous way to illustrate their thoughts. Students may work in groups, some providing captions, others providing artwork, to utilize students' different talents. Hang the cartoons around the room for the whole class to see. Then, ask the class if these cartoons, and political cartoons in general, are an effective means of expressing opinions.

CASE STUDY THE TOBACCO LOBBY

STUDENT ACTIVITIES

1 Have students read "The Tobacco Lobby" in *Perspectives* for a homework assignment. Distribute copies of **Student Handout 22—Questions to Consider.** Tell students to complete the handout when they have finished reading the case study.

In class the next day, go over students' responses to the questions on the handout. After reviewing answers to question 5, lead a discussion on the growing influence of special interests. What do students think of the tactics used by the tobacco lobby? Would they feel differently if the same tactics were used by another special interest—for example, one that represents children, the environment, or the homeless?

Then, organize a mock press conference focusing on whether the federal government should be allowed to more strictly regulate tobacco. The press conference will take place during the next class meeting. Assign three or four students to represent each of the following:

- the U.S. Food and Drug Administration (for regulation)
- tobacco growers association (against regulation)
- tobacco manufacturing executives (against regulation)
- American Cancer Society (for regulation)

Students may draw information from the case study to support their positions but are encouraged to do outside research (such as reading newspaper or magazine articles).

The next day, allow a member of each group four minutes to make his or her group's statement to the press. Encourage the other students, as members of the press, to ask questions of all the panelists. After each group has presented, ask students to critique its presentation as to how they would side on the issue if they had been watching the press conference on television.

2 For a homework project, ask students to research one interest group. Each student should write a letter to the interest group to ask for more information on what the group does and how it lobbies lawmakers. (Keep track of what groups students are researching and try to hold duplicates to a minimum.)

After students have gathered enough information, ask them to make a poster collage to present their findings to the class. On the poster, students can paste literature they have received, stickers or buttons with the group logo on it, copies of news articles, or anything that would help other students learn more about what this group does. Each poster should include the following information.

- Whom does this group represent?
- How many members does it have?
- What is its purpose?
- In what ways does it lobby lawmakers?
- What is a major issue on which it has recently lobbied Congress or other levels of government?

Display the posters in your classroom and urge students to view all of the posters. Afterwards, ask class members to discuss the similarities and differences between groups. Also ask them if their opinion of interest groups changed after completing this project.

3 As a class project, ask students to conduct a poll of students in school regarding their views on smoking and tobacco regulation. Questions for the poll could include the following.

- How old are you?
- Does anyone in your family smoke?
- Do you smoke?
- Do you agree with President Clinton's plan to enforce strict laws against smoking by minors? Will it be effective?

- Would you still favor increased regulation of tobacco products even if it might cost tobacco factory workers and farmers their jobs?
- Do you believe the federal government has the right to strictly regulate a private industry such as tobacco? What about other industries?
- Do you think nicotine is a drug? Is it addictive? Should it be regulated like drugs are?

Compile the results of the poll and have the class create a series of graphs and charts to show the results. Ask students if they were surprised by the findings. Have their opinions on tobacco regulation changed since reading the case study? Would the poll results have been the same if they had involved government regulation of a less controversial industry such as auto manufacturing?

Post the findings in your classroom and allow students from other classes to examine the results.

ENRICHMENT ACTIVITIES

1 For a homework assignment, ask individuals or groups of students to research the influence of the media on public perception of the tobacco lobby or another well-known interest group. Ask them to collect news articles about interest groups and determine whether they have a bias and, if so, whether that bias has a negative or positive leaning toward interest groups. Have class members describe their findings in two-page essays and present them to the class.

2 Ask students to conduct a survey of how well local businesses and stores enforce the laws governing the sale of tobacco to minors. Students should ask their peers if they think it is easy or difficult to purchase tobacco products. They may also want to observe local stores to see whether rules prohibiting sales to minors are enforced and signs explaining that law are prominently displayed. Do students in your school commonly wear T-shirts or hats with cigarette brand names on them? Have students noticed any difference in teenage habits since the FDA regulations went into effect? Ask a few volunteers to write an article for the school or local paper describing the results of the survey.

3 For a homework project, ask students to gather magazine and newspaper advertisements for cigarettes and other tobacco products. They should analyze the ads and determine whether they believe the ads entice young people to start smoking. Have each student prepare a poster collage of ads and point out different tactics that advertisers use to make a product look appealing. After students have shown their posters to the class, lead a discussion on the influence of advertising on young consumers. Are students' buying habits affected by commercials and print ads? Should the government attempt to regulate advertising more closely?

THE PEOPLE

OBJECTIVES

After completing the activities for chapter 8, students will be able to:

- understand the importance of youth activism
- describe and evaluate volunteer experiences
- explain reasons for the low voter turnout rate in the United States
- create a new political party addressing their own concerns
- understand the importance of minority viewpoints in the political process
- analyze the impact of AIDS activists in formulating AIDS-related policies

KEY TERMS

acquired immune deficiency syndrome (AIDS)
AIDS Coalition to Unleash Power (ACT UP)
AIDS education
apathy
Asian Pacific American
Centers for Disease Control and Prevention (CDC)
demagogue
duopoly
electorate
entitlements
Factor VIII
grassroots politics
Green Party
hemophiliac
human immunodeficiency virus (HIV)
media pundits
the NAMES Project
political action committees (PACs)
Ryan White CARE Act
stigma

MOTIVATOR

Conduct a ballot poll in your class on the following question.

Should all American citizens be required by law to vote in all major elections?

Mark half the ballots with an X on the back. Give a ballot to every student; then have them vote and place their ballots in a box.

Tabulate and post the results. Now, tabulate the marked ballots only. Are the results any different? Can the students foresee any problem in letting 50 percent of the class decide the issue for the entire class? If not on this issue, then on others? Remind students that only about 49 percent of eligible voters participated in the 1996 presidential election.

Compare the results with the low level of voter participation in the United States today. Encourage students to explain why they voted yes or no to this question. Finish the discussion by talking about the importance of citizen participation in democracy.

STUDENT ACTIVITIES

1

Begin by having students read "Why Your Participation Is Critical" by Richard Thau as a homework assignment. Then discuss students' responses to the article. According to Thau, how can the public agenda overlook the views of young people? How does the aging of the American population contribute to the marginalization of young people? Do students think that is happening now? Why or why not? Do students believe their own opinions and concerns are valid? Why or why not? Is it in their own interests to act on those beliefs, as Thau argues? Why or why not?

Next, ask which national issues interest your students most. (Examples you might suggest are the budget deficit, Social Security spending, higher education costs, health care, environmental degradation, illegal drug use, or poverty.) Why do students care about one particular issue over another? Explain that different groups of citizens have different priorities, and that politicians must balance the interests of many different people and businesses in their districts.

Richard Thau lists ways that young people can begin to put their concerns on the government agenda. To extend this activity, ask students to research a topic that interests them—the environment, for instance—so that they can follow through on Thau's suggestions. One activity might be requesting information from organizations geared toward young people (such as Third Millennium) and other groups that have formed around particular issues. In the case of environmentalism, specialized organizations could include the World Wildlife Fund, the National Wildlife Federation, the Sierra Club, and the Nature Conservancy.

Explain that groups of people often have greater influence than single voices. After students have researched such organizations, they should consider forming clubs in the school and/or their community that highlight their chosen issue. As a group, they can affect greater change through fundraising events, petitions, attending local hearings, and letter-writing campaigns. If your class does not have time for such events, suggest that they write a letter to their state or national representatives about their chosen issue.

2 Tell students that another way to get involved in issues that matter to them is through volunteerism. There are opportunities to volunteer in almost every community, however small. Ask the class if anyone has performed community service. (Explain that some very simple things count as community service, such as helping at a church or community event.) Encourage students to share their impressions of volunteering—whether or not they are inclined to help in their community and why—as well as any community service experiences they may have had. Then assign Harris Wofford's article, "National Service: Getting Things Done for America."

After students have read Wofford's article, conduct a class discussion. Do students agree that community service is an American tradition? Why or why not? Can they give examples of people in their community who continue that tradition? If so, what do those people do for their neighbors? How do youths benefit from volunteer service—both as providers and recipients? Are there any students who are opposed to volunteering? Why?

If time permits, you might like to take the class to a local organization that needs volunteers. There they could see how the organization is run and what kinds of help are needed. Student attention might be better maintained if they can help choose a volunteer organization that interests them. If a field trip is not possible, ask students to donate a few hours of their time to a local charity, hospital, school, or other community organization. If your school regularly organizes service-learning projects, there might be a coordinator to help in planning their volunteer service. If your school district requires community service for graduation, this activity could possibly count toward those hours.

You can find volunteer organizations by contacting The Points of Light Foundation. Their address is 1737 H Street, NW, Washington, DC 20006. Their telephone number is 202-223-9186 (ask for the Customer Information Center). The Points of Light Foundation can provide you with a list of volunteer organizations in your area; they also coordinate youth programs and many other helpful services.

3 Ask students to write on a slip of paper whether or not they voted in the last student government election held in their school. If some students did not vote, tell them to write down a reason for that choice. Then have students hand in their slips of paper. Tally the results. What was the voter participation rate among the class? If some did not vote, what were their reasons? You might want to write those reasons on the board and discuss them. Explain that the following activity will be about voter participation and its importance in the democratic process.

As a homework assignment, ask students to read "The Dangers of Voter Apathy" by Curtis Gans. When class meets again, conduct a discussion about the article. Why is low voter turnout a concern? If they have difficulty with this concept, refer them back to the motivator activity. Do students want other people to make decisions for them? What are the reasons Gans gives for voter apathy in America? Do students think these are valid reasons for not voting? Why or why not?

Next, distribute copies of **Student Handout 23—Did You Vote?** Explain to the class that each student should poll three voting-age adults by asking them the questions on the handout. It may take students a few days to complete the assignment. When surveys are finished, class members should share and tally their results. How many people in the poll voted in the last presidential election? What were their reasons for voting or not voting? Do students believe those reasons are valid? Why or why not? Do they think it would help to lower the voting age and get students involved in politics at an earlier age? Why or why not?

You might want to extend this activity by having students make cartoons or posters illustrating voter apathy and why it should be overcome. Post them around the room and, if possible, around the school. Encourage students to be creative and express their own opinions.

4 Now that students have a grounding in activism and the issues that concern them, tell them that they are going to create their own political party. Ask students to first read "America Needs a Viable Third Party" by Ralph Nader. After students have read the article, ask them if they agree with Nader. Do they think the Republican and Democratic Parties are too much alike? Why or why not? What kinds of policies do students normally associate with Republicans? With Democrats? Do they think Americans need more choices in political candidates? Why or why not?

Next, divide the class into groups of four or five. Tell the groups that they are going to create their own "third party." Explain that they will first need to draw up a list of at least five national issues that matter most to them and take a position on those issues. (For example, they can choose to focus on issues that interest young people, the environment, education, or some other general principle.) If students need guidance, they can research the platforms of Ralph Nader (Green Party), Ross Perot (Reform Party), or Harry Browne (Libertarian Party) from the 1996 presidential campaign. Tell them that each group will have to write a one- to two-page platform. Ultimately, each group will hold a five-minute news conference wherein one person from the group (a volunteer) will announce candidacy for a local election. That person will need to refer to the platform to introduce him or herself to the "voters" (other students).

Conclude by discussing the activity. Which new "third party" most appealed to students? Why? Have their opinions changed about whether the United States needs a strong third party? Why or why not? Why have third parties typically been unsuccessful in U.S. elections? Some Americans argue that a strong third party is unnecessary because issues have only two sides, and those two positions are usually taken by the two main political parties. Could students imagine pitfalls in having more than two strong political parties in a democratic system?

5 Are any class members recent immigrants? If the classroom environment allows, ask students to raise their hands if they or their parents came to the United States from a foreign country. Ask them to share their views on American government. In what ways is the U.S. government similar to or different from the government in their home country? Do their opinions on issues vary from other students' opinions? Why or why not? Are their religious beliefs or customs different from other students? If so, in what ways? Do they view this positively? Such a discussion could help students gain insight about and respect for classmates they might view as "different."

Next, have students read "Faces and Activism of the Asian Pacific–American Community" by Alice H. Yang. After the reading, ask students to share their interpretations of the article. What viewpoint does Ms. Yang take on minority activism? Why does she think it is valuable to the United States as a whole? What does she mean by the statement, "To perceive all APAs as the same is ignorant; to treat all APAs as foreigners is offensive"? Do students agree with this quotation?

To extend this activity, some students might wish to research minority-run political organizations in their community. What services do they provide, or what issues do they rally around? In what ways do those organizations enrich the community? What can others learn from minority activists? Explain that minority viewpoints have been crucial in changing many policies in the United States. For example, advocacy groups have worked not only for racial and ethnic equality, but also to promote the rights of people with disabilities and illnesses. (This line of questioning provides a smooth transition into the case study, "AIDS Activists: Fighting an Epidemic.")

ENRICHMENT ACTIVITIES

1 By comparing political party platforms, students can gain insight into the similarities and differences of the two primary parties. Have interested students write or call the Democratic and Republican state offices for information on the current party platforms. They should share this information with the class. Are they surprised by any of the party stances? If so, why?

2 One of the major ways in which Americans participate in the political system is by becoming involved in political parties. Have students investigate activities of local branches of political parties. How can students become involved? How many people actively participate in party functions and campaigning? How are they making a difference? Your school may already have a Young Democrats or Young Republicans club that students might want to join. If those clubs have not been organized, perhaps some students would like to do so.

3 Have students organize a get-out-the-vote campaign in your school or community. They can conduct leaflet campaigns or set up a voter registration table. They might need to conduct research into other organizations that sponsor similar campaigns for some ideas.

4 Ask students to predict the next major social movement in the United States. They should then write a one-page essay describing the movement, its cause, the people involved, opposition to the movement, the effect that this movement may have on society, and why they think such a movement is coming.

5 Divide the class into groups of five or six. Have each group role play the framers of the Constitution. Instead of a Bill of Rights, ask them to draft a "Bill of Responsibilities" in which they list no more than ten responsibilities for U.S. citizens. After each group has completed its list, have one person from each group present its bill. After each group has made its presentation, compare the bills. What types of responsibilities emerged from the lists? Should such a bill of responsibilities be added to the Constitution? Why or why not?

CASE STUDY

AIDS ACTIVISTS: FIGHTING AN EPIDEMIC

STUDENT ACTIVITIES

1 Before students read the case study "AIDS Activists: Fighting an Epidemic," write the following statement on the board.

A person is a responsible citizen when he or she ______________________.

Then in a brainstorming session, ask your students to respond with short, quick answers. Write their responses on the board. When you have compiled fifteen to twenty student answers, spend a few minutes reviewing the items. Responses will probably range from simple answers such as "votes" or "pays taxes" to more complex ones such as "becomes a foster parent" or "feeds the homeless." Point out the simple to complex range of activities. Remind students that people hold many different opinions about what constitutes civic responsibility.

Next, distribute copies of **Student Handout 24—Civic Responsibilities**. Give students ten to fifteen minutes to finish the handout. Then tally their rankings on the board by writing down the numbers 1 through 12 in columns and going through the list asking: "How many of you ranked the first item as number one? How many ranked it second?" and so forth. If students are reluctant to raise their hands, you might want to tally the votes yourself and simply post the results. When the rankings are tallied, average the scores and discuss the results. Are students surprised by the final ranking? Was it difficult for them to rank the items? Encourage students to express opinions about individual items and tell why they think any of the civic actions should be ranked higher or lower. Remind them that this list is by no means complete, but is merely a sampling of possible activities that could be considered civic responsibilities.

Conclude by pointing out how the diversity of American opinions and attitudes about civic responsibility has been demonstrated by this activity. Also emphasize that apathy is no excuse for shirking civic responsibility.

2 Before students read the case study, conduct one more activity about civic action. Ask them to identify problems in their community that worry them. Write their responses on the board. Then, ask class members what each one of them can do to help make a difference in relieving those problems.

Have any class members volunteered or helped raise money for charity? What have they done? Remind students that they can help solve problems by choosing a particular career (becoming a social worker or a police officer, for example), volunteering, or simply donating to needy families. You might want to point out local programs, charities, volunteer bureaus, or special events (such as Special Olympics, walk-a-thons, etc.) that respond directly to problems listed on the board.

Explain to students that "The People" case study is about several Americans who have dedicated much of their lives to fighting acquired immune deficiency syndrome (AIDS). If students have already learned about AIDS, you may want to skip background information. Otherwise, explain the variety of social problems that surround AIDS—expensive health care costs, discrimination, the debate over funding for research to find a cure, and the debate over how best to educate people to avoid HIV infection, to name a few. Make sure students have read the case study before moving on to the next activities.

3 Begin this activity by asking students to respond to the case study. What do they think of people like Ryan White, Pedro Zamora, Mary Fisher, Elizabeth Glaser, and Cleve Jones? Do students think they would do the same if they were in their shoes? If not, how might they have responded differently? Explain that activism is not always as high-profile or heroic as practiced by those people. For many Americans, demonstrating for a cause or raising small amounts of money for charity may be the best they can do. All efforts, however small, are valuable and worthwhile.

Next, invite a local volunteer or social worker who works with HIV/AIDS patients to visit your classroom. Ask the expert to speak to the class about how he or she helps people with HIV or AIDS. Brief the visitor on the guidelines, if any, regarding AIDS-related education in your school. You could have him or her describe the resources available in the community that help fight HIV and AIDS—for example, hot lines, testing clinics, support centers, and health care programs. The speaker might also be able to identify and describe other volunteer opportunities and organizations in the local area. Prepare the class by telling them about the person who is going to speak and asking each student to write at least three questions they would like to ask the visitor.

If resources are scarce in your area, consider contacting your nearest chapter of the NAMES Project Foundation. (The national headquarters is at 310 Townsend Street, Suite 310, San Francisco, CA 94107-1639. Their telephone number is 415-882-5500. People there can tell you which chapter is closest to you.) The NAMES Project might be able to help coordinate a visit to your school as part of their High School Quilt Program. Their educational program is designed to work within the educational framework of any local curriculum, and students can still get a firsthand perspective on the AIDS issue.

4 Ask class members to think again about issues in their community that concern them. Tell them to consider what they might be willing to do for that cause.

Teacher note: You might want to contact Close Up's Active Citizenship Today (ACT) program to request materials to help students plan service-learning activities. The telephone number is 703-706-3300, and the address is Program Director, Active Citizenship Today, Close Up Foundation, 44 Canal Center Plaza, Alexandria, VA 22314-1592.

What skills or special abilities do your students have? Ask them to find a relevant program or role in which they would like to volunteer for a day. Some ideas might include working in a soup kitchen or for a low-income housing organization such as Habitat for Humanity. If your school has a service requirement for graduation, there may be a designated coordinator to help organize the students' volunteer preferences. This activity might also count toward the number of hours of community service for graduation.

After students perform their volunteer service, ask them to report back to the class about their experiences. What did they do? Whom did they meet? What does the organization do as a whole? Do they think the group does a good job? Would they like to return to the site, or would they prefer to try another?

ENRICHMENT ACTIVITIES

1 Have each student make a poster that informs others about the community problems discussed in class. Posters should include information about how and where to volunteer to help solve these issues. Or the posters can tell viewers where to go (or a hot line to call) if he or she needs help dealing with problems such as alcoholism, drug addiction, or domestic violence.

2 Ask class members to make a timeline of important events in the AIDS epidemic. The timeline should include important breakthroughs in medical research, changes in public policy, and emerging activists. They should consult library sources to include details not presented in the case study. When the projects are finished, display them in a prominent place in the classroom.

3 Have students research another epidemic or plague in the history of the United States or other countries. For example, they might consider learning about leprosy (in biblical times), the black death in England and Asia (1300s), the bubonic plague, the flu epidemic of 1918, smallpox, and consumption (tuberculosis). In a three- to five-page paper, they should write about how victims of the illness were treated in society and how the medical profession or leaders of the day handled the disease. What percent of the population suffered from these illnesses? How many people died? Ask them to compare and contrast their historic plague/epidemic with the AIDS epidemic of today.

FREEDOM OF RELIGION

After you have read "Civil Liberties and the Constitution" by Arthur Spitzer and "Religious Freedom and a Civil Society" by Ralph Reed, read the following proposed constitutional amendment. It was debated by the 104th Congress in 1995. Then, answer the questions below.

THE RELIGIOUS EQUALITY AMENDMENT

SECTION 1. Neither the United States nor any state shall abridge the freedom of any person or group, including students in public schools, to engage in prayer or other religious expression in circumstances in which expression of a nonreligious character would be permitted; nor deny benefits to or otherwise discriminate against any person or group on account of the religious character of their speech, ideas, motivations, or identity.

SECTION 2. Nothing in the Constitution shall be construed to forbid the United States or any state to give public or ceremonial acknowledgment to the religious heritage, beliefs, or traditions of its people.

SECTION 3. The exercise, by the people, of any freedoms under the First Amendment or under this amendment shall not constitute an establishment of religion.

1. Explain in your own words what this amendment means.

2. What effect do you believe this amendment would have on practices in your school?

3. How does this proposed amendment compare and contrast to the ideas already expressed in the First Amendment to the U.S. Constitution?

4. Having read his article, do you believe Ralph Reed would support this amendment? If so, why? If not, why not?

5. Having read his article, do you believe Arthur Spitzer would support this amendment? If so, why? If not, why not?

6. Do you support this amendment? Why or why not?

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FREEDOM OF SPEECH

Read the following scenarios and decide whether you think they should or should not be protected by the First Amendment. Briefly defend your answer in the space below each item.

1. One college student uses a racial slur to describe another college student during class.

2. A celebrity sings the National Anthem in a screeching manner at a televised baseball game.

3. A war protester burns an American flag on the steps of the U.S. Capitol.

4. The Ku Klux Klan holds a rally in the town square.

5. An angry crowd member curses at the president of the United States during a public appearance.

6. A high school English teacher assigns a reading to students that contains sexually explicit content.

7. Someone falsely yells "Fire!" in a crowded theater.

8. A political candidate airs commercials that insult his opponent.

9. A member of the military publicly acknowledges that she is a homosexual.

10. Antiabortion protesters shout at incoming patients outside an abortion clinic.

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QUESTIONS TO CONSIDER

After you have read "The ERA: Almost an Amendment," answer the following questions in complete sentences.

1. Where in the Constitution is the amendment process described? Why were these provisions added to the Constitution?

2. Why did some Americans oppose women's suffrage?

3. Why did ERA supporters believe a constitutional amendment was the only way to eliminate gender discrimination?

4. What parts of the Constitution did opponents say made the ERA unnecessary? Explain their arguments on one of these points.

5. Describe three ways in which ERA opponents persuaded lawmakers to vote against the amendment.

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PROPOSED AMENDMENTS TO THE CONSTITUTION

Read the following amendment proposals. In the space below each proposal, explain how likely the amendment would be to pass, based on your knowledge of the amendment process. Consider whether these issues are worthy of being addressed by a constitutional amendment. Finally, rank them in order of the likelihood that they will be added to the Constitution.

1. THE BALANCED BUDGET AMENDMENT

This amendment would make it unconstitutional for the government to spend more money than it takes in. Supporters of the amendment say that annual budget deficits will soon bankrupt the country if they are not addressed. They believe that only the threat of violating the Constitution will force lawmakers to control spending or raise taxes. Opponents argue that the budget can be balanced without altering the Constitution, if lawmakers are willing to make tough choices. They believe the amendment will not solve the problem of how to cut spending without endangering essential government services.

2. THE TERM LIMITS AMENDMENT

Supporters of limiting the number of terms a member of Congress may serve say that government needs new people with new ideas. They believe term limits would give lawmakers more time to govern without constantly having to raise funds for their reelection efforts. Opponents of term limits argue that voters already have the ability to limit terms by voting against officials they do not support. Limiting congressional terms, they say, would eliminate qualified and experienced candidates from consideration.

3. THE RELIGIOUS EQUALITY AMENDMENT

One version of this amendment would allow prayer in public schools. Supporters believe that Supreme Court decisions have gone too far in removing religious activity from schools, infringing on the freedoms of religious students. They argue that religion should play a role in the education of children. Opponents think that an amendment is unnecessary because the Supreme Court has only prohibited teacher-led prayers in schools; students can pray on their own at any time. Furthermore, opponents say such an amendment might lead to official prayer, which would infringe upon the First Amendment freedom of students who choose not to pray.

4. THE VICTIMS' RIGHTS AMENDMENT

Proponents of this amendment say that in recent years, the growing number of violent crimes has made it necessary to protect victims' rights. Supporters believe that the criminal justice system currently gives more consideration to the needs and wishes of criminals than to their victims. The amendment states that victims and victims' families should be allowed to attend the trials of charged criminals, issue an "impact statement" during sentencing, be informed of a convict's release from prison, and receive restitution for their suffering and losses. Opponents think, however, that amending the Constitution should be the last resort for issues that can be resolved in no other way. They say that state constitutions are a better venue to address an issue such as victims' rights.

5. THE FLAG BURNING AMENDMENT

In the case of *Texas v. Johnson* (1989), the Supreme Court ruled that burning the American flag was a form of expression protected by the First Amendment. Enraged lawmakers responded by proposing an amendment that would make flag burning a federal crime. Opponents argue that such an amendment is too specific and should not be included in the Constitution. They also believe that flag burning is protected free speech and that the government has no place defining patriotic symbols for its citizens. Proponents argue that the flag is the most sacred symbol of American patriotism and should not be violated in any way. They believe that symbols cherished by Americans should be protected by the Constitution.

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CONGRESS: KEY TERMS

Match the word or phrase in Column A with its correct definition in Column B.

COLUMN A

1._____ appropriations
2._____ Balanced Budget Amendment
3._____ bicameral system
4._____ budget deficit
5._____ careerism
6._____ constituents
7._____ Contract with America
8._____ discretionary spending
9._____ entitlements
10._____ fiscal year (FY)
11._____ Great Society
12._____ incumbent advantage
13._____ Medicaid
14._____ Medicare
15._____ national debt
16._____ New Deal
17._____ pork barrel project
18._____ speaker of the House
19._____ supply-side economics
20._____ term limits

COLUMN B

A. a federal medical care program for people over age 65
B. a federal social program that helps needy Americans pay for health care
C. a governmental system with two legislative houses
D. a policy program introduced by President Franklin Roosevelt to solve the social problems created by the Great Depression
E. the name given to President Lyndon Johnson's proposals to eradicate poverty
F. a program or grant designed chiefly to benefit a legislator's home district
G. a twelve-month period during which the government keeps accounts
H. an addition to the Constitution that would require the federal government to spend only as much money as it takes in
I. an agenda of legislative promises made by Republican candidates during the campaign for the 104th Congress
J. benefits, such as Medicare and Social Security, automatically given to people who meet certain eligibility requirements
K. congressional grants of money set aside for a specific purpose
L. almost all federal spending except for entitlements and interest on the debt
M. a fiscal theory that states that decreasing taxes will stimulate economic growth
N. the member of the majority party who presides over the House of Representatives
O. a proposal that would restrict the number of years a lawmaker could hold a particular office
P. the people whom members of Congress represent
Q. a term used to describe the practice of politicians holding elected office for too long
R. the practice of elected officials using the benefits of being in office, like visibility and postal privileges, to get reelected
S. the total amount of money that the federal government owes from past borrowing
T. the negative difference between what a government takes in and what it spends in a given year

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HOW MUCH DO YOU KNOW?

Before responding to the true-false items on this handout, you should have read "The 104th Congress and the Battle over the Budget" in *Perspectives*. Use a T for true and F for false and place your answers in the blank. Use the space below the item to correct any statements you think are false. Do not spend a lot of time of time on each item; if you are not sure of the answer, move on the next item.

_____ 1. Congress is made up of 435 members of the House of Representatives and 100 senators.

_____ 2. Only the president has the authority to appropriate money to run the federal government's programs and agencies.

_____ 3. In recent years, the U.S. government has been ringing up annual budget deficits of more than $5 trillion.

_____ 4. The last time the U.S. government ended the fiscal year with a budget surplus, Richard Nixon was the president.

_____ 5. Congress is responsible for raising revenue to run the federal government.

_____ 6. Republicans controlled both houses of the 104th Congress.

_____ 7. In 1995, the House passed a proposal to add a balanced budget amendment to the Constitution, but the Senate fell short by two votes.

_____ 8. The budget resolution approved by Congress in 1995 called for the budget to reach zero deficit by 2002.

_____ 9. Democrats criticized the Republican plan by saying it took too much away from poor and older Americans and did not cut taxes enough.

_____ 10. If Congress does not pass the required spending (appropriation) bills before October 1 or does not pass a continuing resolution, the federal government runs out of money and closes down.

_____ 11. The federal government closed down twice in 1995 because the president and Congress could not agree on a plan to balance the budget in seven years.

_____ 12. The two sides finally agreed on a seven-year balanced budget plan in early 1996, after the American people indicated they were fed up with the stalemate and the government shutdowns.

_____ 13. The annual budget deficits have been steadily going up since 1991 but most experts believe they will come down as entitlement spending comes down.

_____ 14. Before the end of the 1995-96 session of Congress, both the president and Congress presented seven-year balanced budget plans.

_____ 15. Nearly half of all government dollars are spent on defense.

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ASK THE PEOPLE

You are going to survey a total of six people—two teens; two working-age people; two retired people. Read each statement to each person and ask them to either agree or disagree with the statement. Record their responses in each column by using a **T** for the teen respondents, a **W** for the working respondents, and a **R** for the retired respondents.

	AGREE	DISAGREE
1. Congress should balance the budget every year.		
2. Congress should balance the budget by reducing spending in all categories, including Medicare and Social Security.		
3. Congress should balance the budget by reducing spending in all categories except Medicare and Social Security.		
4. Congress should balance the budget by controlling spending and raising taxes whenever necessary.		
5. Too many federal dollars go to older Americans at the expense of younger people who would gain more from additional federal dollars.		
6. Older Americans who can afford it should pay more for their Medicare benefits and get less Social Security benefits than those who really need it.		
7. The federal government should save money by turning many of its programs over to state and local governments.		
8. If people want benefits from the federal government, they should be willing to pay for them in the form of higher taxes.		
9. Americans would be better off if the federal government stopped funding retirement and health care and turned such programs over to private companies.		
10. The United States is a wealthy enough country to take care of its needy, retired, and sick people.		

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STUDENT HANDOUT 8

VIEWPOINTS ON THE PRESIDENCY

Read the following statements and then circle either "agree" or "disagree."

1. The threat of government stalemate is always present, and more often than not, policy is a compromise of presidential and congressional viewpoints. **AGREE** **DISAGREE**

2. Neither branch [legislative or executive] ever gets all that it wants, and that is a positive feature of our system of government. **AGREE** **DISAGREE**

3. To be a good president [today] may be even harder than to be a great president in the days of Antietam and Pearl Harbor. **AGREE** **DISAGREE**

4. By making presidents so familiar, television has helped to relieve the [presidency] of its mystique. **AGREE** **DISAGREE**

5. No longer do presidents grow to fit the job; they've started to seem smaller than life just as the electorate's standards have inflated. **AGREE** **DISAGREE**

6. Credibility is an absolute requirement for a good president, for above all he or she must be believed in order to persuade, convince, and govern. **AGREE** **DISAGREE**

7. . . . when it comes to important ideas, a presidential campaign is a wasteland. **AGREE** **DISAGREE**

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THE IDEAL PRESIDENT

Rank the following items in order of importance.

The ideal president . . .

_____ works effectively with Congress

_____ is a good communicator

_____ has a cohesive foreign policy

_____ holds strong convictions and sticks to them

_____ responds well under pressure

_____ understands the concerns of average Americans

_____ consults respected advisers before making major decisions

_____ has a cohesive domestic policy

_____ is an effective commander in chief of the armed forces

_____ is willing to compromise to get things done

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QUESTIONS TO CONSIDER

After you have read "President Clinton and the North American Free Trade Agreement" answer the following questions in complete sentences.

1. What is NAFTA and what was it designed to do?

2. Why were critics of NAFTA worried about allowing Mexico to join the agreement?

3. What were some of the tactics President Bill Clinton used to convince members of the House of Representatives who opposed NAFTA to change their minds?

4. What was significant about the coalition that President Clinton assembled to support NAFTA?

5. Do you believe the passage of NAFTA hurt or helped public opinion of President Clinton? Explain your answer.

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STUDENT HANDOUT 11

COMPARING VIEWS ON ENVIRONMENTAL REGULATION

Read the following quotes from "Environmental Regulation: Two Views." Try to identify which point of view—environment or business—each quote represents. Put a check in the appropriate column. If you think an idea could belong to both, check that column.

QUOTE	VIEWPOINT		
	ENVIRONMENT	**BUSINESS**	**BOTH**
1. "Today, we no longer have rivers catching on fire, as we once did."			
2. "During the past twenty-five years, this country has spent at least $1 trillion on environmental cleanup. While this has achieved significant gains in cleaning up air and water pollution, it has also undermined our economy."			
3. "In the first four years of [the Clinton] administration, more than 10 million new jobs were created. At the same time, toxic pollution from industry has steadily declined."			
4. "The United States Census Bureau found a strong relationship between regulation and reduced [economic] productivity: A one dollar increase in costs to control pollution translates into a loss of about three to four dollars in productivity."			
5. "The reality is, the job [of environmental protection] is never done."			
6. "A dynamic economy is vital to improving our environment."			
7. "Our regulatory system badly prioritizes the health and environmental risks we face."			
8. "Protecting public health and our environment is fundamental to American values."			
9. "The federal government must be result-oriented, not regulation-oriented, in pursuing environmental protection."			
10. "[The American people] don't want to see irresponsible polluters protected at the expense of their communities. They don't want special [environmental regulation] loopholes for special interests."			

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WHAT WOULD YOU DO?

Read the following scenario carefully and choose one of the options for dealing with the problem. After you have chosen the option, defend your action in a written paragraph.

The Religious Compound. You are the lead agent of the Bureau of Alcohol, Tobacco, and Firearms in a state where a religious group made up of several dozen men, women, and children has built a walled and fortified compound. The group—some call it a cult—has been living in and around the compound for several years with few problems; its residents—including the leader—are often seen in local businesses or traveling local roads. Because of the secrecy surrounding the compound, rumors abound about who is living there and what is going on inside the walls, but few solid facts have emerged. Local law enforcement officials tell you about seeing men carrying shoulder weapons near the compound and several of the residents have legally purchased a large number of guns and boxes of ammunition from local gun shops. You know that the leader of the group has a reputation for being "hotheaded" and unpredictable. You also hear unsubstantiated rumors that children may be suffering physical and sexual abuse inside the compound, but so far there have been no formal complaints.

Based on complaints from neighbors about loud explosions and gunshots inside the compound, your agents stake out the area hoping to gather more information. You conclude that there is enough suspicious activity within to take some action. Here are your options; choose one.

1. You pull back your surveillance to ease fears that cult leaders may have about being watched. You then detain the leader while he is in town and show him the search warrant you have obtained, asking for his cooperation. He is belligerent and warns that his followers are well-armed, distrustful of law enforcement officials, and willing to die if they believe their way of life is being threatened. You then arrest him and tell leaders inside the compound that their leader will be charged with contempt and kept in jail until they allow a search.

2. You obtain a search warrant and walk to the front gate of the compound alone and visibly unarmed to deliver it. You give the leader one hour to confer with his followers about allowing you and your officers to conduct the search. If he agrees, the search will take place. If he says no, you warn him that you will take whatever armed action is necessary to force your way into the compound.

3. You obtain a search warrant and decide to deliver it in the company of thirty armed officers at 3:00 a.m., hoping to catch guards and residents asleep and unarmed. You are convinced that given the leader's past history, there is no way you will be allowed to peacefully search the compound.

4. You do nothing and leave the area.

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WILL THEY HEAR THIS CASE?

Read Phillip Spector's article, "The Supreme Court: Deciding What to Decide." Spector lists criteria the Supreme Court uses to select cases. Then, read each case description below. Select the criterion (there may be more than one) that applies to each case, and write the corresponding number in the blank. Keep in mind that the situations below closely resemble actual cases.

SPECTOR'S CRITERIA

1. Two appellate courts conflict.
2. A lower court declares a statute unconstitutional.
3. A lower court makes an interpretation that may have violated the rights of a person accused of a crime.
4. The federal government requested review.
5. The case reflects large issues of concern to all Americans.
6. The case could help establish useful guidelines in controversial areas.

____ A. A young woman charged that her right to privacy had been violated by state statutes restricting abortion. She said her right to privacy was guaranteed by the First, Fourth, Fifth, Ninth, and Fourteenth Amendments to the Constitution. The district court dismissed the woman's complaint. She appealed to the U.S. Supreme Court.

____ B. A student-run school newspaper published a controversial story about homosexuality. The school officials said they had the right to censor a student newspaper because schools are obligated by law to protect the safety of students and maintain a good learning environment. The district court agreed with school officials. However, the court of appeals ruled that student newspapers are a public forum, and could only be censored if necessary to avoid disruption in school. The students appealed to the Supreme Court.

____ C. An Amish couple refused to send their children to school beyond the eighth grade, arguing that doing so was contrary to the Amish religion and way of life. The state had a mandatory school attendance law until age 16, and ordered the parents to send their children to school. They refused. The local court found the parents in violation of the attendance law, and upon appeal, the state circuit court also found them guilty. They appealed to the U.S. Supreme Court, arguing that their First Amendment right to freedom of religion was being violated.

____ D. After the fall of democracy in a poverty-stricken Caribbean country, hundreds of refugees sought asylum in the United States. The federal government ordered that they be returned to their country because they did not qualify for citizenship. Several civil rights groups petitioned lower courts, and a federal court imposed an injunction to stop the United States from returning the refugees. The federal government asked the Supreme Court to consider its case because of the refugees' urgent need for assistance.

____ E. A young woman was critically injured in an automobile accident. Though doctors were able to keep her alive by inserting a feeding tube into her stomach, the woman was unresponsive to her surroundings. After several years of no improvement, her parents asked to have her feeding tube removed so that she would be allowed to die. They argued that she would not want to live that way. The trial court ruled in favor of her parents' request, but the state supreme court ruled that the state needed "clear and convincing evidence" of the young woman's wishes, which, the court argued, the parents did not have. They appealed to the U.S. Supreme Court.

____ F. A man was arrested at his home and taken to a police station. A witness identified him from a lineup as the person responsible for a kidnapping and rape. The police interrogated the man for two hours, after which they came out with a signed confession. However, in his trial, the man argued that he was not informed that he had a right to have an attorney present during his questioning by the police. A state court found him guilty, but he appealed to the U.S. Supreme Court on the grounds that his Fifth Amendment rights were violated.

____ G. The Civil Rights Act of 1964 was interpreted differently in two separate cases. First, a motel was charged with discriminating against African Americans because it refused to accept black lodgers. A lower court ordered it to do so, and the owners of the motel appealed to the U.S. Supreme Court. In a related case, a restaurant was allowed by another court to refuse to accept black customers.

____ H. A young man was arrested on the steps of city hall for dousing an American flag in kerosene and setting it on fire. The lower court found him guilty of desecrating the flag under a state law. The man maintained that the statute violated his constitutional right to freedom of speech and expression under the First Amendment. The court of criminal appeals reversed the lower court's decision, and ruled that the statute was indeed unconstitutional. The case was appealed to the U.S. Supreme Court.

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INTERPRETING THE CONSTITUTION

After reading the article "How Judges Should Interpret the Constitution: Two Views," use points raised in each article to develop pro and con arguments for each view.

Strict construction means interpreting the Constitution as the framers wrote it and intended it. Judges should apply strict construction to today's cases.

PRO	CON
1.	
2.	
3.	

The notion of a living constitution means the Constitution is constantly evolving; therefore, judges should read between the lines to interpret the meaning as it applies to today's circumstances.

PRO	CON
1.	
2.	
3.	

How do you think judges should interpret the Constitution?

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STUDENT HANDOUT 15

DEATH PENALTY SURVEY

Ask five adults in your community the following questions. Tally replies in the three columns provided.

	YES	NO	UNDECIDED
1. Do you support the death penalty?			
Adult #1 ______	☐	☐	☐
Adult #2 ______	☐	☐	☐
Adult #3 ______	☐	☐	☐
Adult #4 ______	☐	☐	☐
Adult #5 ______	☐	☐	☐
2. Does the death penalty deter crime?			
Adult #1 ______	☐	☐	☐
Adult #2 ______	☐	☐	☐
Adult #3 ______	☐	☐	☐
Adult #4 ______	☐	☐	☐
Adult #5 ______	☐	☐	☐
3. Is the death penalty carried out fairly?			
Adult #1 ______	☐	☐	☐
Adult #2 ______	☐	☐	☐
Adult #3 ______	☐	☐	☐
Adult #4 ______	☐	☐	☐
Adult #5 ______	☐	☐	☐
4. Does the death penalty cost too much money?			
Adult #1 ______	☐	☐	☐
Adult #2 ______	☐	☐	☐
Adult #3 ______	☐	☐	☐
Adult #4 ______	☐	☐	☐
Adult #5 ______	☐	☐	☐
5. Is it "cruel and unusual punishment" to keep innocent people on death row for years?			
Adult #1 ______	☐	☐	☐
Adult #2 ______	☐	☐	☐
Adult #3 ______	☐	☐	☐
Adult #4 ______	☐	☐	☐
Adult #5 ______	☐	☐	☐

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UNDERSTANDING MARVIN KALB'S OPINIONS

As you read "The Value of a Free Press," answer the following questions in complete sentences.

1. According to Kalb, did Thomas Jefferson prefer a government without newspapers or newspapers without a government? Why?

2. Why did the founding fathers want to protect newspapers, a business interest, in the Bill of Rights?

3. What other principle is linked to freedom of the press in the Constitution's First Amendment?

4. Explain how the press functions like a "watchdog."

5. How have new technologies affected the role of the media?

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EVALUATING TELEVISION NEWS

You have been asked to watch two television newscasts—a local program and a national program. As you watch, look for the day's main headlines in each broadcast, and complete the chart provided. List the subjects that were on headline news. Next to each topic, describe the format used to present it (anchor person reading report; live, on-the-scene reporter; or studio interview). Also describe any visuals accompanying the story.

LOCAL NEWS

Name of Program ______________________________ Date ______________

HEADLINE TOPICS	FORMAT	VISUALS

NATIONAL NEWS

Name of Program ______________________________ Date ______________

HEADLINE TOPICS	FORMAT	VISUALS

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STUDENT HANDOUT 18

THE WORLD WIDE WEB AND DEMOCRACY

You have been asked to research government, news, and policy-related sites on the World Wide Web. Visit three Web sites of your choice and fill out the following chart. Evaluate the sites for content, presentation, and value for civic education using a scale of one to five (five being the best). Then answer the questions at the bottom of the page.

Site name and URL address
____
____

Score (1-5) for depth of information ____
Score (1-5) for visual presentation ____
Score (1-5) for civic education ____

Site name and URL address
____
____

Score (1-5) for depth of information ____
Score (1-5) for visual presentation ____
Score (1-5) for civic education ____

Site name and URL address
____
____

Score (1-5) for depth of information ____
Score (1-5) for visual presentation ____
Score (1-5) for civic education ____

1. Did you learn something new from these Web sites?

2. Could you have found that information from other sources? If so, which ones?

3. Is the Web useful in creating a "direct democracy"? Why or why not?

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QUESTIONS TO CONSIDER

After you have read the case study, answer the following questions in complete sentences.

1. How did the advent of radio in the 1920s change presidential election campaigns?

2. Who "won" the presidential debate between Richard Nixon and John Kennedy in 1960? Why?

3. What is a "sound bite," and what effect does it have on political discourse?

4. What are "unmediated messages" and why do political candidates prefer them over "mediated messages"?

5. Do you believe that television has had an overall positive or negative effect on presidential elections? Explain your answer.

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STUDENT HANDOUT 20

CANDIDATE BIOGRAPHIES

The following people are candidates for president of the United States. You will use this information to create a television, radio, or newspaper advertisement for one of the candidates.

CANDIDATE 1

Background — practicing attorney in large Washington law firm; first woman mayor of Metropolis—a major U.S. city; former presidential cabinet member

Personal — 44; divorced; three children

Stance on Issues — Favors increased government spending for social service and education issues. Wants to decrease defense spending. Favors moderate tax increases to improve government housing, the environment, and job training programs. Opposes the death penalty. Democrat.

CANDIDATE 2

Background — pharmaceutical industry executive; strong fundraiser for philanthropic causes; currently a U.S. senator

Personal — 52; married; no children

Stance on Issues — Favors decreased power of the federal government and more states' rights. Wants to abolish affirmative action. Opposes U.S. involvement in UN peacekeeping missions. Favors broad tax cut for all citizens. Republican.

CANDIDATE 3

Background — farmer; self-made multimillionaire in the agricultural industry

Personal — 60; married; five children

Stance on Issues — Favors major downsizing of the federal government and a "flat tax" for all Americans. Believes domestic policy—especially deficit reduction—should take precedence over foreign policy. Opposes affirmative action. Favors increased federal government spending to combat crime and domestic terrorism. Independent.

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QUESTIONS TO CONSIDER

After you have read "Political Action Committees: Two Views," answer the following questions in complete sentences.

1. What is "soft money" and why is it significant in political campaigns?

2. Why does Ann McBride believe that Congress is unlikely to enact campaign finance reform legislation?

3. According to Thomas Berglund, what are some of the positive influences of PACs?

4. In what ways does Thomas Berglund believe the current system of financing campaigns could be improved?

5. With whose opinion on PACs do you agree—Ann McBride's or Thomas Berglund's? Explain your answer.

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QUESTIONS TO CONSIDER

1. What is an interest group? Give an example of an interest group not named in the case study.

2. Why did Americans choose to smoke tobacco in pipes rather than in cigarette form before the turn of the century? Why did they begin smoking cigarettes in large numbers in the twentieth century?

3. Describe three ways in which the federal government has attempted to dissuade Americans from smoking.

4. Describe three ways in which the tobacco industry lobbies lawmakers.

5. Do you believe that the federal government should regulate the tobacco industry more strictly? Why or why not?

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STUDENT HANDOUT 23

DID YOU VOTE?

Ask three voting-age adults the following questions. Check yes or no for the first question, and write the person's response in the space provided after the second question.

	YES	NO
ADULT 1		
Did you vote in the last presidential election?	☐	☐
If no, why not?		
ADULT 2		
Did you vote in the last presidential election?	☐	☐
If no, why not?		
ADULT 3		
Did you vote in the last presidential election?	☐	☐
If no, why not?		

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CIVIC RESPONSIBILITIES

Our responsibilities as Americans range from simple to complex actions. Some actions are duties, some are laws, and some are strictly voluntary. First, read through the entire list of civic actions below—several times if necessary—and then rank them from 1 to 12, giving a 1 to the action you think is most important and a 12 to the one you think is least important. Remember, there are no right or wrong responses in this exercise. Call them the way you see them!

____ protesting unfair laws

____ voting

____ giving money to a charitable cause

____ serving in the military

____ paying your federal income taxes

____ expressing opinions to your elected officials

____ taking a shower

____ serving on a jury

____ running for public office

____ graduating from high school

____ obeying the law

____ volunteering at a soup kitchen

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